

A BRIEF
HISTORY OF KALAHASTI

IN
THE PRESIDENCY OF MADRAS

BY
R. RAGOONATH ROW

Donan Bahadur

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MADRAS.

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KALAHASTI ZEMINDARI

The Rajahs of Kalahasti appear to be Kschettrias and to have belonged to Yinagala Gotra. Jabbi Nayadu is said to have been the first man of note. He is reported to have raised the seige of Warrenkul by Mohamedans, in the 12th century of the Christian era, A D 1112 or 1033 of Salivahana year.

The next person of whom traditions speak was named Mada Nayinivaru. He was an ally to Pratapa Rudra who reigned in the 14th century A. D. and who is said, in the manuscript history in the Mackenzie's collection, to have conquered Pandya Desha; Wilks' Mysore Vol 1, page 13. note.

Vallabha Nayini Varu, as an ally of the Gajapaty dynasty, was famous for

having killed Kaderkhan, a Vizier.

Timma Nayinivaru was equally successful against Mohamedans and obtained the Jahagir of Deverconda.

Abba Nayanivaru added Valoor to his possessions, thus ruling over Deverkonda and Valoor. He had a brother Annama Nayanivaru and there were his descendants.

Vencatapa Nayinivaru killed Iradkhan of Soonkasala and ruled over Deverconda Valoor and Soonkasala.

Before 1471, Mohomedans had not reached Ganjam. In 1480, the Raja of Oria, became a tributary to the last but one sovereign of the Bhamni dynasty. The last Bhamni King acquired in 1490, Masulipatam and Guntoor from the Rayels of Bejayanugur, whose dominions extended to the sea coast from Madras to Krishna, and who reigned at Chendragiri.

The Damarala Varus were originally free lances. In the 15th Century A. D.

they preferred to be greater in material wealth to an independant position with smaller territories, and therefore helped the Gajapathies and acquired from them larger tracts of countries as grants. They were successful for some time against the Mohomedans. As the Gajapathy dynasty began to be dismembered and as the Narapati Dynasty of Bejayanagur grew strong, the Damarala Varus helped the latter and obtained from it very extensive dominions, extending from Krishna to very near Cape Comorin. With the fall of the Royalu Bejayanagur dynasty, the Damarala Varus lost in the 16th Century A. D. good deal of their possessions.

Another Damarala Vencatappa Nayan Varu was the next person of note, who flourished in the days of Srerunga Rayalu, who reigned from 1573 to 1585. *vide* Nellore Manual page 488. When this Rayalu was attacked by the Golconda Mohamedans, he sought the aid of

Vencatappa Nayinivaru to repel them. He fought against them and was successful at the battle of Kandakore, killed Khadi and several other generals of the Mohamedan army. The Rayalu was so much pleased with this success that he gave him Kalahasti as a Jahagir with Wandewash, Gingee, &c. The Rayalu conferred upon him many titles and allowed him to use certain flags, &c. being insignia of royalty.

The next person of note in the family was another Vencatapa Nayinivaru, who won the battle of Rapuree and got from the Rayalus Trichinopoly, Tanjore, and other countries. He was killed in the battle of Samayaveram, near Trichinopoly.

Then came still another Vencatappah Nayina Varu, who is an example of what pure common sense, though unaccompanied with a knowledge of foreign languages, and literature, can do. He was a soldier and a statesman of clearest foresight. In

his time, the Dutch, the French, and the English were trying to secure a firm footing in India. Their competition was keen. The Chiefs of India had to contend against local Mohomedans and Imperial Moguls. There used to be great contentions among these Mohomedans themselves. The decline of the Mogul Empire had set in. Whether local or Imperial, Mohomedans were bigoted and revengeful. Their intolerance had rendered them unpopular, and the people were expecting some deliverer from them. The Portuguese and the three nations mentioned above had settlements in various parts of India. All the four nations were foreigners and had been found superior to the natives in various capacities. People had not elaborate information about the character and resources of these four nations. Choose they must one of them as their protector. Whom to choose was a difficult question. A selection by a true and far-sighted statesman alone would

prove advantageous to the country. In these circumstances, the lot of making such a selection fell to Damerla Venkatappah Nayina Varu. He surveyed the position, calculated probabilities and determined to cast his lot with the English. He found the English in search of a port on the Coramandel Coast, south of Masulipatam. He offered them a site on which stands the Fort Saint George. (Vamshavalee in the records of the Kalahasti Samstanam.)

The following extracts go to corroborate the aforesaid statements. Robert Grant in "A sketch of the History of the East India Company, 1813" says, in pages 28 and 29, that "About 1640 the anxiety of the Coromandel servants to procure some station which should at once supply goods for the market of Bentam, and shelter the factors resident on it from Native insolence and Dutch malignity, guided them to Madraspatam.

The goods to be obtained here were abundant, and of a superior quality, and the Naig or chief of the district willingly ceded to the Company, the town and port, with the liberty of erecting on it fortifications. The English immediately built a fort at this place, with the name of Fort Saint George. In 1643, they obtained a grant conferring on them the privilege of exercising judicial authority over the inhabitants; also an exemption from customs, and a moiety of the customs' which should be paid by other traders. The town although in some respects incommodiously situated, rapidly advanced in commerce and opulence; and, in 1653 the station of Madras was raised by the Company to the rank of a Presidency".

In page 172 of the Gazetteer of Southern India, the following is found.

"In 1639, an amicable arrangement was made with the local Naick or chieftain Damerala Vencatadri Naidu, by which the

English were to be allowed a settlement at a small Coopam or fishing Village which is now Madras. It was necessary however to have a formal grant from the recognized sovereign who was then Sree Runga Royer, a descendant of the ancient Vijianagar kings * * * who came in 1594 to Chander-giri. From this place the Rayal issued his Sunnud on the 1st March 1640, granting permission for the English to build a Fort. It was one of the last Royal Acts of his race; for in 1646, the Kootabshahee kings of the Dekkan drove him out of the country and he became a refugee in Mysore."

The following is stated in the Manual of the North Arcot District, page 24.

"An invitation was therefore, sent by the Kalahastri Poligar (a tributary of the Rajah) to Mr. Day, the Superintendent of the Company's factory, to settle within his dominions which extended to the coast. The offer was accepted and Mr. Day visited

the Rajah in his palace of Chendergi i where in 1640 a grant was made of a small strip of land on the coast, the first ever possessed by the British in India. To protect themselves against the danger of attack from the restless and turbulent princes of the neighbourhood, a fort was built and named Fort Saint George after the traditional champion of England."

In page 14 of Auber's Rise and Progress of the British Power in India, it is said "Mr. Day one of the council of Masulipatam selected Madraspatam; the Naig of that district having offered, provided the English would settle there, to erect a fort at his own cost and to exempt them from all customs on trade. So much importance was attached to securing this position, that without waiting for instructions from England, a fortification was commenced at the expense of the Company, the fort receiving the name of Fort Saint George "

In Hamilton's Hindoostan Vol II page 413, the aforesaid event is thus recorded.

"This part of the coast of Coromandel was probably visited at an earlier period by the English but they possessed no fixed establishment until A. D. 1639 in which year, on the first of March, a grant was received from the descendant of the Hindu dynasty of Bijanagur, then reigning at Chendergiri for the erection of a fort. This document from Sree Runga Rayel expressly enjoins, that the town and fort to be erected at Madras shall be called after his own name Sree Runga Royapatam, but the local Governor or Naik, Damerala Vencatadri who first invited Mr Francis Day, the chief of Armoogam, to remove to Madras, had previously intimated to him, that he would have the new English establishment founded in the name of his father Chennappa and the name of Chennappa patnam continues to be universally applied to the town of Madras, by the

natives of that division of the South of India named Dravida. In consequence of this permission without waiting for instructions from the Court of Directors, Mr Day proceeded with great alacrity to the construction of a fortress, which in India is soon surrounded by a town. The latter he allowed to retain its Indian appellation but the former he named Fort Saint George. The territory granted extended five miles along shore and one inland."

In page 216 of the North Arcot District Manual, the author says "In the middle of the 17th century the Kalahastiri Polygars had possession of the country as far as Madras and Conjeeveram on the east and Wandiwash in the south, and from one of them named Damerala Venkata-dri Nayadu, Mr Day in 1639 obtained the grant of Chennakuppam, a small fishing village north of Mylapur, where after obtaining a Sunnud from the Rajah of Chandergiri he built Fort Saint George.

Part of the agreement with the Poligar was that the new settlement should be called Chennapatnam after his father Chennappa Nayadu. The earliest Sunnud produced by the Polygars at the cession was one granted by the Emperor Aurangazib which showed that they then held their estate upon a military tenure being immediately subordinate to the Arcot Nabob and bound at his summons to appear in the field with 5000 armed footmen. Their military power was always considerable."

Mr: Boswell in page 441 of the District Manual of Nellore says.— "Gurava Naidu and Armugam Modalliar went and spoke to Damerla Chennappa Naidu and obtaining his consent to make over to the company the land forming Chennakuppam, situated to the north of Mylapore, built a fort" ***

"Mr. Francis Day, who was then chief of the factory proposed a move to the

south of the Dutch settlement of Pulicat; and in 1639 A. D., an amicable arrangement was made with the local Naik or Chieftain, Damarla Vencatadri Naidu, Rajah of Kalahasty, by which the English were allowed a settlement at a small Kuppam or fishing Village which became Madras".

The Damerala Varu as has already been observed were originally independant Chiefs of small tracts. They were however known to be great soldiers. Their aid in war used to be courted by several Hindu dynasties for defending themselves against the incursions of Mohamedans. They were invited for this purpose by the Gajepaties, and then by the Narapaties called the Rayels of Bejayanagur as already stated. The Damerala Varu proving successful in the wars were granted by the Gajapaties and Rayals various tracts of country from near the present

Kurnool District to the Cape Comorin, the Damerala Varus acknowledging themselves to be feudataries to the Rayals. They do not appear to have retained, rather acquired much of these grants. Seeing the Emperors of Delhi have been overrunning Southern India, they offered to aid the Moguls and secure their patronage as the Rayals were losing ground. In the battle which was fought between Rajah Jeswant Sing for the Emperor, and Aurangazib and Morad, near Ugein, in November 1657, the Damarala varus fought for Aurangazib. This fact is acknowledged in a proclamation sent by the son of Aurangazib in Hijiri 1069 or A. D. 1658, after the battle of the 6th Ramjan H. 1068, the result of which was that Aurangazib became the real Emperor; vide Elphinston's India, Page 524.

The proclamation above referred to was from Sultan Mohamed, son of Sahib Giran Mohamed Aurangazib Bahadur

Badshahi Gazi, to Damarala Varu. After describing the victories gained, it goes on thus ;

“ The victory won in the territory of Oojien has been assigned to your name, for which, you have been exalted and esteemed.” “ We will send an army towards Carnatic, under one of our nobles. We have lately heard from the petition of Govinda Row, that you have written to your Vakeel here about your faithfulness and loyalty in our service, for which we will be pleased to show you our greater favour and esteem. We trust you will persevere in the same loyal course, until the arrival of our victorious forces there, and thereby expect the result and rewards of your endeavours and services from us.”

Another communication was addressed to the Damarala Varus on the first Salar of the 3rd year of Aurungazib's reign. It was addressed by Sahib Girani Sani, a son

of Mohamed Aurungazib Bahadur. Among other things, it stated "Towards Carnatic our victorious army has been despatched, with the help of Kazi Mohamed Hoosain and other officers with a view to putting down the rebellion in that country, and punishing the rebellious people. It is therefore necessary for you to show your fidelity on this occasion and thereby make yourselves hopeful of our rewards and favours. *** We depend on your bravery and experience in the order and control of the Province of Carnatic". "By this means you may become distinguished among your equals, and be an object of our favors". This expedition of the Mogul army is chronicled in page 5-10 of Elphinston's India.

In Plevenga A. D. 1666 Damerala Koomar Akappa Nainivaru waited upon the Emperor and recovered many of the tracts which had been lost by Damerala

varus. There are documents dating from 1677 to 1700 A. D. which show that he wielded large powers at this period.

The Emperor Aurangazib wrote in 1688 expressing his approval of the past services of the Damulvarus, promising further rewards and asking them to co-operate with Mozam Khan against Bejapur. Elphinston's India page 578 speaks of this expedition. Aurangazib wrote in the 35th year of his reign to Akkappa Nayini Varu in A. D. 1693 permitting him to visit the Emperor. The Emperor Aurangazib favoured this chief with a Purwannah in the 37th year of his reign A. D. 1697 conferring upon him in addition to the rank and Jahageer "we have exalted you with Nowbuth, the title of Bahadoor, Martib, Fringed Palanqueon and the Mansub of Hufth Hazaree. You and your descendants therefore being signified with these honors should act according to our

orders." Zool Fakir Khan, Vizier of the Emperor, wrote to this chief in the 39th year of his reign conferring on him the body-guard Jahagire of Tirupassore Purgannah. There are in the records accounts prepared in the 39th year of the Emperor's reign showing the Jahageers etc, in the enjoyment of Akkappa Nayani Varu. There is yet another Purwanah issued in the 43rd year of the Emperor's reign A. D. 1700 granting Akkappa Naidu certain Purgannahs.

With the discomfiture of the Royalus about A. D. 1654 the Damarela Varus appear to have lost good deal of their possessions. The Golconda dynasty appears to have given them back some provinces which had been conquered by them. Papers found in the Pagoda of Kalahasti show that Golconda allowed Akkappa to rule from 1660 to 1680. Golconda dynasty was terminated by the

Mogul Emperor In the meanwhile Akkappa Nayini Varu waited upon the Emperor and was restored to his possessions by the Emperor.

In the first quarter of the eighteenth century there appears to have been many ups and downs in the fortune of the Damarala Varus.

x In 1745, he was succeeded by D. K. Vencatappa Nayini Varu.

In 1743, Asof Jah, the Nabab Subhadar of Dekkan, arrived at Arcot. Damarala Vencatappa Nayananimvaru waited upon Asof Jah and rendered him service. He was so pleased that he issued a Purwana, confirming the Jahagoer of Kalahasti, and granting its Fouzdari Revenue to Vencatappa Nayananimvaru. This Purwana refers to the one granted by Zulfikar Khan, a predecessor of Asof Jah, evidencing the raising of the Damarala Chief to the Munsab of Panj hazari and Commander

of 2,000 Sowars and is dated the 39th year of the reign of Aurangazebe. This Venkatappa Nayanimvaru died issueless and his nephew Damarala Kumara Venkatappa Nayanimvaru succeeded him in 1745 A. D.

It is said in the Vamshavalya or the Genealogical statement that in 1746 when Monsieur La Bourdennais took possession of Fort Saint George, he found among the records of the English the Sannad written on gold leaf and issued by the Rayalu and the Dimmut issued by the then Rajah of Kalahasti to Mr. Day, for the erection of Fort Saint George, and took them away.

In 1716 two tracts of land consisting of Lingasamudram and three other villages, and Komme and seven other villages were acquired by this Chief from the Emperor Mahomed Sha. The Sannads are dated 4th Saffar II, 1159.

Similarly in 1748, Anwaruddeen Khan



Bahadur in the capacity of the Minister of Ahmed Sha issued a *Purwana* granting to this chief more tracts in the Udayagiri Division. The same officer communicated to Damarala Kumara Venkatappa Nayanamvaru that other tracts and honours had been conferred upon him. In another document issued in the same year, by the same officer, the revenue of the tracts under the Chief was calculated at 111,70,140 dams.

In 1752 a scion of the Damarala Varus named Akkappa, fell in the battle of Samayavaram near Tanjore, while fighting on the side of the English (*Vamshavalee*)

In 1753 Mahommed Kamal who was a terror for some time in Nellore was captured and killed near Tirupathy by the English force helped by Damarala Varus (North Arcot Manual, page 42 and *Vamshavalee*)

In a communication from Nazib Khan the Minister of Ahmed Sha, to this chief, dated the 5th February 1754, Daroor and other villages were granted as Jahagir to Damarala Kumara Pedda Venkatappa Nayunimvaru. Also Kanigiri and other villages were granted as Jahagir in lieu of those held at Cumbum.

In 1756, this Chief acknowledged Mahomed Ali, better known as Wallajah, the Nabob of the Carnatic.

In 1758, the Marattas attacked Kalahasti. In the next year the English defended Kalahasti, *vide* Nellore District Manual.

In 1777 Nabob Wallajah granted some hill Palliams or Talooks to this Chief.

In 1781 Sir Eyre Coote, wrote the following letter to this chief.

TO THE NOBLE OF THE RAJAHS, RAJAH DAMARALA VENKATAPPA NAIDOO, BAHADOOR.

Exalted in rank, Rajah Saheb, very kind

to the friends, may he live long. At the beginning of the arrival of our victorious army from Bengal to Madras, being informed of your loyalty and good wishes for the British, a letter was addressed to you, which is certain to have been received, and in which the following para was inserted: “that His Highness Nabob Wallajah had written an Enoyetnama to you regarding the exemption of 3 years’ revenue of your territories, and that you will consider it confirmed, and no alteration or deviation will be effected in it, and as long as your troops will be garrisoned at out stations, Batta allowance will be paid by Sircar and in either conditions great favour has been done to you.” Now your Vakeel, with a note from the said Nabob to my address has waited upon me and applies for the Khowl for the exemption of the 3 years’ revenues as well as batta to his men, as long as they are with the victorious army,

and also states that you are very anxious to join the British army with your troops. Under these circumstances, I, on behalf of the Council of Madras and myself, write to you, that whatever engagement and agreement has been entered into between the High Nabob and yourself will be accordingly preserved by me and the council without least difference, and you will consider it certain without any contradiction even as much as a hair and with all peace and without any suspicion or fear call with your troops as if it were your house and finding us expectant of your arrival, cause pleasure to our mind by co-operating with us.

What can be written more ?

*1st Jummadeloval 1195, Hijarie 26th
April, A. D. 1781.*

EYRE COOTE.

The following is an extract from a communication from Sir Eyre Coote to this

Chief, dated 18th October, 1781.

“ RAJAH SAHIB OF HIGH DIGNITY, &c.

Your communication announcing the despatch of 100 gunny bags of rice, sheep and fowl, etc. has been received with pleasure. In these times of trial whoever affords friendly assistance to the Company will never be forgotten and will surely be rewarded by the Company particularly yourself whose loyalty and fidelity to the Company is so well known and has been the source of much gratification to me.

As by the Grace of God, the expenses of the victorious army are very heavy, how can these 100 bags of rice received after so long suffice. Though it has already been written it is now again repeated that in whatever way possible try to send provision for the army in abundance. If bullock be not available to carry provision it must be sent by hired men, whose wages will be paid here, at any rate—send it soon

and successively.

These 100 gunny bags of rice will not meet the expense of 1 or 2 Battalions, however your friendship at this moment consists in not failing to send the provision.

Gunny bags are not procurable here ; if possible, purchase them there and send as they are very particularly required here.

It had been written to send your men to Chenna Putton ; probably the reply must also have been received by you."

In 1783 Nabob Wallajah thanked the Rajah for the aid he had rendered in recovering Chandragiri and sent a khillat to him.

In the same year Lord George Macartney similarly acknowledged the fact of having recovered Chandragiri through the instrumentality of the Rajah.

“ TO THE BRAVE AND HIGH RAJAH IN RANK,
MAY GOD BLESS YOU.

I have to acknowledge the receipts of your two letters, the first relating to the troops of the enemy going towards Chundergherry and your army gaining a victory over them. The second with 11 pagodas about the capture of Chundergherry. It gave me very much pleasure that this work was performed by you and that you are worthy of high praise.

TO THE BRAVE AND HIGH IN RANK, DAMA-
RALA KUMARA VENKATA NAIDOO BAHAD-
DOOR.

Dated 7th Jamadinssanee 1197, Hijree.

Exalted in rank Rajah Sahib, kind to the friends, may he live long.

Your two letters informing the capture of the Fort of Chundergherry, with a Nazar of 11 pagodas has been received and made acquainted fully with the circumstances, as the capture of the fort of Chundergherry was effected through your bold exertions and in consequence of the

Company's victories in other places, a kilat of four pieces, as a mark of congratulation has been granted to you and will be received by you through Konari Row Vakeel. For the establishment of Police Stations communications have been made to Captain Campbell, Commanding Officer of the Fort of Nellore, and Captain Edmund Commanding Officer of the Fort of Oongole. Act as they will write to you. * * *

As by the grace of God peace has been established in the country, all these and other matters relating to you will be settled and well managed. It is necessary that you should always manifest loyalty in Company's affairs and with regard to the appointment of your people at Police Stations act agreeably to the instructions of Captain Campbell and Captain Edmund, and consider myself always regardful of your affairs.

What can be written more ?

To the exalted in rank, Raja Saheb,
kind to the friends, Rajah Damarala Kuma-
ra Venkatappa Naidoo Bahadoor. May he
live long.

7th Jamadeossanee 1197 Higjeerce

10th May, A.D. 1783.

(Sd) LORD GEORGE MACARTNEY.

On the 11th June 1790, the Rajah
was asked by the Nabob to send his best
Infantry to Colonel Kelly. On the 10th
July of the same year, the Rajah was call-
ed upon to garrison Chandragiri with 200
warriors and to serve under the orders of
Captain Massy. On the 14th July the
following interesting letter was addressed
by Wallajah to the Rajah.

Dated 1st Zihajjah 1204

FROM

Ameeral Hind Walajah

TO

RAJAH DAMARLAH KUMAR VENKETUP
NAIDU BHADOOR.

A treaty has been made between me and the Governor in Council of Cheenapatam that four out of the five parts of the Revenue should be allotted for the expenses of war and Tanahs; in case of any amount from the four parts of revenue being withheld or stopped for the expenses of war, the Company should have the liberty of appointing Darogas and Tahildars &c. I have accepted to pay six lacs of Pagodas in accordance with the treaty for the expenses of war. I have written all this in detail to my protector Lord Cornwallis whose reply I expect within 40 days; when I will order you to act accordingly. Until then I give you strict order that if any one from the Company come, there you have to treat him respectfully and to pay him the instalments due by you for the Fasly year 1700 taking receipts from him; but if the Company interferes in other affairs and

destroys the rights of our Government, you should not allow them to do so.

On the 18th April 1790 Wallajah again wrote to the Rajah thus;

Exalted in rank, Rajah Saheb, kind to the friends, May he live long

As the English are now at war with Tippu Sultan the ruler of Mysore, it is incumbent upon those who are under their protection to accord all aid to them, as far as it may be in their power, in order that this war may terminate in favour of the English so that all may live in peace. It is therefore written that you should without delay join Colonel Kelly who is at the head of the troops in the Carnatic and afford him all possible aid. * *

On the 31st idem Colonel Kelly wrote to the Rajah to join him with his whole army. On the 12th October 1790 the Governor of Madras asked him to order 50 Sawars with a Jamadar to go to Madras as

he had resolved to pay 4 Pagodas to each Sowar and 15 Pagodas to the Jamadar.

On the 1st April 1791, Wallajah directed the Rajah to send "200 true, confidential and brave sepoy's to the fort of Chandragiri" to work under the orders of the Commanding Officer of the fort and to carefully guard it.

On the 12th August 1791 Sir George Oakely Baronet wrote to the Rajah as follows;—

11th Jeheeja 1205 Hijree.

12th August 1791 A. D.

Exalted in Rank Rajah Sahib kind to the friends, may he live long.

That during these days it was known by the Board of Revenue that the amount of "Peshkush" for the Fusly year 1200 due by you was fully received in Company's Treasury and caused much pleasure to my mind. Rest assured that as long as you will give effect to your promises with

such honesty, the Company's favour will be extended to you. By the Company's kindness a Khillat accompanied with this letter has been sent, please us by wearing it. It was also ascertained from your letter dated 3rd Zeehujja 1200 Hijree that I should supply you with certain muskets and that they may prove useful and cause pleasure to your mind. I have therefore given instructions that whomever you will appoint 200 peices of muskets will be delivered to him here. What can be written more?

To The Exalted in rank Rajah Saheb
Kind to the friends, Rajah Damarala
Coomara Vencatappa Naidu Bahadur,
May he live long!

(Signed) SIR GEORGE OAKELY BARONET.

The following letter was addressed
by Lord Cornwallis to the Rajah.

“Exalted in rank, Rajah Saheb, kind
to the friends, may he live long.

Your pleasing letter stating that you had been pleased to hear of our favour and kindness, and that in now learning our arrival at Madras for the punishment of the enemy, your happiness was much increased, and containing many expressions about my loyalty and zeal in the discharge of the Company's services which have been manifested for a long time; has been received and caused pleasure to our mind. That as you are zealously engaged in obeying and manifesting loyalty to the renowned Government, the preservation of your dignity will be regarded by me in such a degree that your honour and credit will be increased in abundance in the public. The other matters of my kindness towards you will be known by the communication of the Vakeel. What can be written more?

(Signed) CORNWALLIS.

To

The Exalted in rank, Rajah Sahab, kind to the friends, noble of the Rajahs, Rajah Damarala Kumara Venkatappa Naidu Bahadur, May he live long."

This was followed by another letter from the same personage It ran thus:—

To

The brave and grand Rajah in rank kind to the friends.

I have to acknowledge with much pleasure the receipt of your letter about the arrival of the elephants of the Government in your territories and forwarding them from thence with two Hurkaras (peons) towards our victorious army. By this you show your true intentions towards the Government. Your rank and fidelity will be remembered by me. Now it is hoped that you will always make me happy by such letters.

(Signed) CORNWALLIS.

To

The brave and grand in rank, Rajah Damarala Kumar Venkata Naidu Bahadur."

The following letter shows how much the services of the Rajah were appreciated by British Officers;

FROM Colonel Robert Kelly dated the 14th August

To

Rajah Damaralah Kumara Venkat Nair Bahadur.

Your letter received and read with pleasure. The endeavours and faithfulness which you have shewn about the affairs of the Company is quite evident to us and do not require to be explained. As written once before, you have to collect your troops and artillery and join the main army. You need not write the reply to this but it is better for the same purpose to have a special trooper. It is necessary that you should as soon as possible join us.

His was an eventful period. He ruled for 50 years, at times acknowledging the suzerainty of the Emperors through the Nabobs of Arcot and at other times defying it. He was a very shrewd chief. He tried the French, the Marattas, Hyder and his own brother chiefs and found them wanting in several respects to be his suzerain. He eventually adhered to the British whom he helped to the date of his death. He consolidated the Estate of Kalahasti and recovered tracts which had been lost. His son Timma Naidu was a good warrior. He was turbulent to his father. The latter had to grant an allowance to him as directed by the Nabob and the British. This he enjoyed for a period of years.

The following is an abstract of a paper of instructions the Rajah left for the guidance of his son Damara Timma Nayini Varu. Dated 10th January 1795.

You shall continue the usual worship in the Pagodas of the state, you shall treat the gifts made to Pagodas and Bramins as hitherto. You shall carry out our wishes in the matter of maintenance to our relatives and dependents. When the state debts may be paid off, you may raise the allowances to our relatives and others as directed.

We were always faithful to Hazaret Nabob Wallajah. He treated us well; but his son treated us unfairly, when the English came to our rescue. If you act faithfully to the English, they will help you also and you will be happy. If the Nabob troubles you for Nuzzers, you should appeal to the British and they will be in your favor.

You should be beware of those intriguing persons whom we have confined.

You may either confirm or resume our grants to certain officers of the Nabob."

It will be seen that in this paper he

refers to the debts due by the estate, and advises his son to adhere to the English as they had been proved to have been more just than the Nabobs. He refers also to his having kept some turbulent persons in custody.

Timma Nayani Varu ruled for 9 years. He was a terror to his neighbours. He however, assisted the British. On the 1st September 1795, Nabob Wallajah addressed the following communication to Oomdai Rajah Rajah Timma Naid Bahadur.

“ The death of Rajah Damerla Kumar Venkat Naid Bahadur who was very much devoted to me, has created much pain and sorrow. I take you, on account of the series of succession and allegiance, as the successor of the above mentioned deceased Rajah : as a mark of my great favor and kindness, I confer on you the title of Rayiji and Bahadur and herewith present you a Khillat and an Elephant. These presents

will glorify you and prove our great confidence in you. It is incumbent on you to be loyal to us and continue a well-wisher of the kingdom. Your obedience and fealty will be the means of your progress."

On the 25th November 1795, the Right Honorable Lord Robert Hobart, Governor of Chenappatam &c, wrote to the Rajah Kumara Timma Naid Bahadur, to the following effect. "As it has come to notice that Nabob Omdathul Omrah Bahadur has sent orders to you to be ready with all your troops and weapons of war, near Arcot, waiting for further orders, you are hereby informed that you should not obey the said orders but should carry out those of the Honorable English Company. Orders to this effect have been received from the Secretary to the English Company at Home. You should therefore be very careful in obeying their orders."

The following is a translation of a

Khat from General George Harris. /

“ God.

Rajah Sahib, kind to the friends, may
God preserve him long.

After the expression of sincerity and
exalted esteem, be it known to the devoted
heart that your friendly letter offering
congratulations on the occasion of the
British Colors being hoisted on the fort of
Seringapatam, on the death of the enemy
by his acts of wickedness and on the cap-
ture of his family, was received on the
auspicious hour and caused much pleasure
to the mind and proved your good wishes.
May the almighty make this occasion aus-
picious to all the well-wishers of the
Company, especially to that kind friend,
Rajah Sahib, kind to the friend, Noble of
the Rajahs, Rajah Timma Naid Bahadur,
May God preserve him long.

(Sealed) George HARRIS.

General of the Carnatic Troops,

The new month of Moharam.

With the close of the 18th Century, the glory of the state of Kalahasti as a martial power appears to have ended. On the 22nd ^{August} ~~October~~ 1800, Lord Clive thus wrote to Rajah Timma Naid Bahadur.

From

*The Honorable Lord Olive Bahadur,
Governor of Ohennapatam and its
Dependencies, dated Rabeeoossani
1215.*

To

DAMARALA KUMARA TIMMA NAID BAHADUR,
*May the Brave and the high Rajah
remain safe.*

As it is felt now necessary to appoint an English Officer for the settlement of affairs and the revenues of Zemindaries, Mr. George Stratton has been appointed on that duty with Takeeds and instructions. The objects of the appointment of that gentleman, as laid down in the notice

will be explained to you by him. Therefore it is necessary to adopt proper means to have it circulated throughout your Zemindary to be strictly acted upon. You should also be fully obedient to all the orders received through that gentleman. As it is our intention to carry on all affairs between the Company and you through him, you can recall your Vakeels who are residents here on your behalf.

On the same date the following Proclamation was issued by order of the Right Honorable the Governor in Council in Fort St. George.

“Whereas it has become necessary to the preservation of order and good government and to the maintenance of the British authority in the Zamindari-
es of Venkataghery, Calastry, and Bomrazu
pollam, that the Rajahs of those places
should be respectively restrained from
exercising independent power and should

be subjected to the established regulations and laws of the State, wherefore the Right Honorable Edward Lord Olive Governor in Council of Fort St. George, has been pleased to appoint a British Collector for the purpose of residing in the Zamin-daries above mentioned, and of receiving directly from the Zamindars respectively, the amount of their Peshkush.

Be it known therefore to the Zamin-dars aforesaid and to all Talookdars, Polygars, Ryots, and others residing within the said Zamindaries, that His lord ship in Council has further been pleased to nominate Mr. George Stratton to be Collector of Peshkush.

Now whereas it has been customary for the Zamindars aforesaid, to exercise Civil and Criminal Jurisdiction, in their respective Zamindaries, and whereas the exercise of such arbitrary power by dependent Zamindars is contrary to good

government, and to the respect due to the authority of the British Government; it is hereby proclaimed, that it is the intention of the Right Honorable Edward Lord Clive Governor in Council of Fort St. George, to establish regular and permanent Courts for the administration of Justice, the security of person and property, and for the punishment of crimes under limited and defined laws, to be executed by the sole power and authority of the British Government. Wherefore the said Zamindars of Venkataghiry, Calastry, and Bomrazupollam, and all officers and others acting on their behalf and by their orders are hereby required to refrain, in all time to come from the exercise of Criminal Jurisdiction, and to submit all cases, which may hereafter occur involving life or limb to the exclusive cognizance of the said Collector of Peshkush.

And whereas the Right Honorable

Edward Lord Clive Governor in Council of Fort St. George aforesaid has judged it expédient and proper to institute an enquiry into the internal Government, history, produce, and resources of the Zamindaries of Venkataghery, Calastry and Bommarazupollum. Be it further known to the Zamindars aforesaid that the said Collector of Peshkush has been instituted and ordered to enquire into and to take accurate account of the actual state of Revenue in each taluq, purgannah and village, of the exact state of population manufactures and trade, of the soil, climate and natural products of each Zamindary, of the former and present modes of administering justice, police and law as well as of the Civil, Military, and personal establishments of the said Zamindars:—Wherefore the said Zemindars are hereby ordered and directed to take notice of the same and to aid and assist the said Collec-

tor in the execution of these extensive and important duties, but if (which God forbid) the said Zemindars or their officers acting by their authority shall be found to oppose the progress of these necessary enquiries, such a disobedience of orders will subject the offender to the most serious displeasure of the British Government.

" In proclaiming these his intentions, the Right Honorable the Governor in Council judges it expedient to assure the Zemindars and inhabitants of Venkataghery, Calastry, and Bommarazupallam, of the moderation, justice, protection, and security which are the characteristics of the British Government and to invite them to a ready and chearful obedience, to the authority of the company, in the confidence of enjoying under the protection of public and defined laws, every just and ascertained civil rights, with a free exercise of the Religious Institutions and

domestic usages of their ancestors.⁷⁹

Mr. Stratton was on the 25th January 1802, called upon by the Board of Revenue to report "what has been the usual line of succession among the Chittore Poligars &c" and whether at any period a female has succeeded." He submitted a report on the 21st March 1802 that the Chittore Poligars generally conformed to the laws presented by the shastras" that an eldest son "was laid aside only owing to his natural imbecility and the Pallium devolved to his next brother;" and that he found "only one instance of a female having succeeded in her own right".

On the 19th July 1802 Mr. Stratton wrote to the Board of Revenue thus:-
 "On receipt of your orders of the 28th Ultimo, I made immediate application to the Zemindars of Vencatagiri, Calastry, Bomrazu Pollam and Syadapur for such Sanads as describe the nature of the tenure

on which they hold their respective lands, and, as some of the Sanads sent me by the Zemindars of Vencatagiri and Calastry only generally express the condition of Military Service, and others confer on them particular dignities by which they are bound to attend the summons of the Sirkar with the number of men attached to their respective rank, I have under these circumstances been induced to forward for your information copies of all the Sanads hitherto presented to me by those Zemindars." * * * "The sanads, &c sent me by the Zemindar of Calastry are 11 in number marked 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11. The substance of each, I shall here generally express, viz:—

1. Cowle dated the 6th Ruzab in the year 1050, but under whose seal not known, addressed to Damorla Vencatapathy Naid confirming the former cowle of the Emperor Meer Jumla Shaw.

2, Enayetnama under the seal of Sultan Abool Cosseem Mahomod Humayu Buksh, dated the 24th Rujub in the 37th year of his reign addressed to Damerla Akapa Naid Bahadoor confirming to him his former Jaghires and conferring on him the title of Bahadur, etc. etc.

3. Copy of a Sanad under the seal of the Emperor Aurangzebe without date conferring on Damerla Vencataputy Naid, the District of Vencatagherry, Ranpoor, Calastry, Tondimanand, the Cusbah of Nellore and his former possessions in the District of Wandewash, and promising on his waiting on him to present him in Enaum, 20,000 Pagodas, etc. etc.

4. Copy of a Firmaun under the seal of the Emperor Aurangzebe, dated the 2nd Rubbee-ul avul in the 30th year of his reign addressed to Rajah Damalwaur in acknowledgment of his various services and requiring him to afford Mauzumkhan

etc Ameers who are sent to take possession of Bijapour, every assistance in his power, as also to assist Shaw Bhcg Khan who is sent with an army to reinforce Casee Mahomed Hashim in order to quiet the disturbances in his neighbourhood and to put down Royaloo.

. 5. Copy of a Purwannah under the seal of Assud Khan, Vizier of the Emperor Alumgheer, dated 21st Rubbee-o-saunce in the 35th year of his reign addressed to Damelwar Akapa Naid informing him that agreeable to the request preferred by his Vakeel requiring Cowlo etc he will, on waiting on him, have the dignity he solicits of 4000 Raut conferred on him, etc. etc.

6. Copy of a Firmaun under the seal of the Emperor Mahomed Aurangazebo, dated the 6th Mohurru in the year of Hegiree 1069, addressed to Damulwaur, detailing his several victories and requiring of him every requisite service, etc.

7. Copy of a Tujdoveeznama under the seal of Asoph Jaw Nizam ul Moolk Bahadur dated the 23rd Zehudge in the 26th year of the reign of the Emperor Mahomed Shaw conferring on Venkatapaty Naid the dignity of 2000 Raut and 1000 Horse; on Comar Venkatup Naid 500 Raut and 200 Horse; and on Akup Naid 500 Raut and 150 Horse.

8. Copy of a Purwannah under the seal of the Navab Anaverdeen Khan Bahadur dated the 15th Ramzan in the 1st year of the reign of the Emperor Ahmud Shaw Bahadur, conferring on Rajah Venkatup Naid etc one crore eleven lacs seventy thousands one hundred and forty Daums of the collections of the Purgunnah of Oodghoor, etc. etc. the particulars of which are expressed on the back of the Purwannah.

9. Copy of a Purwannah under the seal of Omditul Moolk Suragud Dowla

Anaverdeen Khan Bahadur dated the 1st Tekaida in the year of Hegiree 1177, conferring Zahiagire on Oomar Venkatapa Naid the Talooks of Calastry, Neerpauk, Paulchoor, Polacoor, etc. under the Circar of Chandergherry and fixing the yearly Peish-cush for the Talook of Seetarampoor under the Sirkar of Oodghere at 15,000 Arcot Rupees and for the Villages of Aravumla, etc. at 1,500 Madras Pagodas indopendant of Enaums, etc. This Purwannah further exacts Military Service etc from the Zemindar in aid of the Sirkar agreeable to the tenor of his Muchilika as written on the back of the Purwanah.

10. Copy of a Purwanah under the seal of the Navaub Walljah Amreel Hind, etc. dated the 21st Ruzub in the year of Hegiree 1890 conferring the Taluks of Eagwaw, Paumunchawaur, Alwaur and the village of Moodoor under the Talook of Setwele, Saib Naid Pollam, Moodppa

Naid Lokachary Pcllam and Tombachary under the Hill Poligars of the yearly Jumma of 10,000 Pagodas on Rajah Damarla Comar Vencata Naid Bahadur, etc. for the pay and service of 1,000 Matchlock and Pike Peons agreeable to the tenor of his Muchilika as written on the back of the Purwannah.

11. Cowle of the Honorable Sir Charles Oakely, Governor in Council of Fort St. George, to Rajah Damarla Comar Venkatapur Naid Bahadur."

On the 19th July 1802 Mr. Stratton submitted two Enoyetnamas received from the Rajah of Calahastri. Their purport as given by him is as follows.

A. Copy of an Enayetnama under the seal of Omditul Moolk Surajud Dowlah Bahadur dated 4th Shavaul in the year of Higiree 1178, directing the Zemindar of Calastry to station some of his peons at Paumenchewaur.

B. Copy of a copy of an Enayetnamah under the seal of the Navaub Wallajah dated the 12th Zehjude 1292 Hegiree fixing the Peishcush of the Pollams at 5000 Star Pagodas in lieu of the service of 2000 Peons required by a former Purwana and ordering the restoration of the Mooroor Pollam to its Poligar.

The Pollam here mentioned is now under the Setwadoo District lato the Jahagire of Syfulul Moolk."

It was in the time of D. Timmanayini Varu that the British Government asked him and other Rajahs to disband their military retainers and become good and peaceful citizens. This irritated the chief and the irritation put an end to his life in 1803. He left two sons Pclda Ven-
catappa Nayani Varu and Chinna Ven-
catappa Nayani Varu.

The following is the Proclamation which the Madras Government issued on

the 2nd August 1800.

Proclamation:—

“Whereas it has become necessary to the preservation of order and good government and to the maintenance of the British authority in the Zemindaries of Vencatagherry, Calastry and Ecmrauzepollam, that the Rajahs of those places should be respectively restrained from exercising independent power, and should be subjected to the established regulations and laws of the state: Wherefore the Right Honorable Edward Lord Clive, Governor in Council of Fort St. George, has been pleased to appoint a British Collector for the purpose of residing in the Zemindaries above mentioned, and of receiving directly from the Zemindars respectively the amount of their Peiskush.

Be it known therefore to the Zemindars aforesaid and to all Talookdars Polygars, Ryots and others residing within

the said Zemindaries, that His Lordship in Council has further been pleased to nominate Mr. George Stratton to be Collector of Peshawar.

Now whereas it has been customary for the Zemindars above said to exercise Civil and Criminal Jurisdiction in their respective Zemindaries, and whereas the exercise of such arbitrary power by dependent Zemindars, is contrary to good government, and to the respect due to the authority of the British Government: It is hereby proclaimed, that it is the intention of the Right Hon'ble Edward Lord Olive, Governor in Council of Fort St George, to establish regular and permanent Courts for the administration of justice, the security of person and property, and for the punishment of crimes under limited and defined laws, to be executed by the sole power and authority of the British Government. Wherefore the said Zemin-

dars of Vencataghery, Calastry, and Bomrauzepollam, and all officers and others acting on their behalf and by their orders, are hereby required to refrain, in all time to come, from the exercise of criminal jurisdiction, and to submit all cases, which may hereafter occur involving life or limb, to the exclusive cognizance of the said Collector of Peishcush.

And whereas the Right Honble Edward Lord Olive, Governor in Council of Fort St George, aforesaid has judged it expedient and proper to institute an enquiry into the internal Government, history, produce and resources of the Zemindaries of Vencataghery, Calastry, and Bomrauzepollam. Be it farther known to the Zemindars aforesaid that the said Collector of Peishcush has been instituted and ordered to enquire into and to take accurate accounts of the actual state of the Revenue in each Talook, Pergunnah and Village, of the

exact state of population, manufactures and trade, of the soil, climate and natural products of each Zemindary of the former and present modes of administering justice, Police and Law as well as of the Civil Military and personal establishments of the said Zemindars. Wherefore the said Zemindars are hereby ordered and directed to take notice of the same and to aid and assist the said Collector in the execution of these extensive and important duties. But if (which God forbid) the said Zemindars or their officers acting by their authority, shall be found to oppose the progress of the necessary enquires such a disobedience of orders will subject the offender to the most serious displeasure of the British Government.

In proclaiming these his intentions, the Right Honble the Governor in Council judges it expedient to assure the Zemindars and Inhabitants of Vencataghery,

Calastry and Bomrauzepollam, of the moderation, justice, protection, and security which are the characteristics of the British Government and to invite them to a ready and cheerful obedience to the authority of the Company, in the confidence of enjoying under the protection of public and defined laws, every just and ascertained Civil right with a free exercise of Religious institutions and domestic usages of their ancestors. Fort St George 22nd August 1800."

Another proclamation was issued on the 24th August 1802, as follows:—

"Whereas by a Proclamation bearing date of the 2nd day of August 1800, the Right Honorable Edward Lord Clive, Governor in Council, proclaimed to the Zemindars of Venocataghory, Calastry, and Bomrauzepalliam his determination to subject those Zemindars, respectively, to the established regulations and laws of

the British Government and whereas for the better execution of that intention, it was further proclaimed that the Right Honorable Edward Lord Clive, Governor in Council aforesaid, has instituted an enquiry through the channel of the Collector into the actual state of the revenue of each Talook, purgunnah and village, of the exact state of population, manufactures, and trade, of the soil, climate and natural products of each Zemindary, of the former and present modes of administering justice, police, and law, as well as of the civil, military and personal establishments of the said Zemindars and whereas the Right Honorable Edward Lord Clive, Governor in Council aforesaid, has deemed it to be necessary to the further progress of the measures described in the Proclamation aforesaid, for establishing the regular administration of justice, the security of persons and property, and the punishment

of crimes, that the military establishments maintained according to usage by the said Zemindars respectively for the service of the State should be entirely abolished, and discontinued for ever, wherefore the Right Honorable Edward Lord Clive, Governor in Council aforesaid, has resolved to relieve the said Zemindars from the burthen and expense of supporting the said military establishments in conformity to their engagements, and to commute the military services of the Zemindars of Vencata-gerry, Calastry, Bomrauzepolliam, and Sydapoor respectively, for a tribute to be paid in ready money in addition to their established peishoush. It is therefore made known, and hereby proclaimed accordingly, that the said Zemindars respectively have been relieved from and after the first day of the current fusly year 1212 from the obligations of furnishing troops for the service of Government, of maintaining

forts or garrisons; and of furnishing military stores or implements of war. In consequence of which commutation the Right Honorable Edward Lord Olive, Governor in Council aforesaid, has charged the British Government, with the protection and defence of the Zemindaries of Venkatagerry, Calastry, Bomrauzepolliam, and Sydapoor, against all enemies; the possession of fire arms, and of weapons of offence, having therefore become unnecessary to the safety of the said Zemindars or to the inhabitants of their Zemindaries, the Right Honorable Edward Lord Olive, Governor in Council aforesaid, further proclaims and publishes the determination of the British Government to suppress the use and exercise of arms, and military weapons, and accordingly requires all persons inhabiting the said Zemindaries to discontinue the use of such arms and weapons.

In order that no inducement may be wanting to the surrender of muskets, matchlocks, and Pikes, and in order that no person may be subjected by this Proclamation to a loss of his personal property the Right Honorable Edward Lord Clive, Governor in Council aforesaid, further proclaims that he has authorized the Collector to pay the value of such weapons to the persons delivering them, at the following rates:————

For each	Musket	10	Rupees.
For Do.	Matchlock	5	Do.
For Do.	Pike	2	Do.

But whereas it has been usual for the said Zemindars to keep in their pay, for purposes of external pomp and personal splendor, certain establishments of peons bearing arms; and whereas the Right Honorable Edward Lord Clive, Governor in Council, is desirous of complying with the wishes of the said Zemindars

to the extent necessary to the purpose, and consistent with the other objects of this Proclamation; public and formal authority has been granted to the said Zemindars respectively to maintain the number of peons for the purpose of personal attendance, according to the register to be kept of the said peons in the cutcherry of the Collector.

It is unnecessary to assure the Zemindars of Vencatagerry, Calastry, Bommauzepolliam and Sydapoor, that the Right Honorable Edward Lord Clive, Governor in Council aforesaid, in the determination of carrying these measures into effect, can be governed by no other motives than those connected with the duty of providing for the permanent tranquillity of the Zemindaries. The Governor in Council disclaims every wish of subjecting the Zemindars to any humiliation; but the use of arms being no longer requisite under

the change of the condition of their tenure and the discontinuance of that usage being indispensably necessary to the preservation of regular Government and the increase of prosperity ; the Right Honorable the Governor in Council expects that the Zemindars of Vencatagerry, Calastray, and Bomrauzepolliam, will relinquish a custom now become useless and yield a cheerful obedience to these orders in the assurance of enjoying with their families, tenants, and ryots, under a system of defined and public law, every civil right together with the domestic usages and religious institutions of their ancestors.

Fort Saint George 24th August 1802.

Published by order of the Right Honorable the Governor in Council."

Thus these Zemindars were transferred from the class of Feudatories to that of aristocracy of the land enjoying protection of Government from all dangers, a

protection which is guaranteed to its subjects in general.

Damerla Podda Venkatappa Nayini Varu was recognized in 1803 by the Madras Government as the Rajah and held the Samstanam of Kalahasti up to 2nd May, 1830. His younger brother Chinna Venkatappa Nayini Varu was treated as a nobleman of this famous family. He was succeeded by D. Timma Nayini Varu. He died in 1832, appointing his widow to manage the Estate and permitting her to adopt a son from among his relatives. She accordingly adopted D. Venkatappa Nayini Varu in 1834.

Damerla Venkatappa Nayini Varu assumed the management of the Estate on the 12th November 1834, and was recognized by Government as the adopted son and successor of Damerla Timma Nayini Varu. He managed the Estate for 47 years and was known to be a patron of

learned men. His hospitality was proverbial. At the time of the mutiny, he addressed the following letter dated 17th December 1857 to the Government of Madras and it was published in the supplement to the Fort Saint George Gazette of the 5th February 1858.

“ The Right Honorable the Governor in Council has received with much gratification, the following loyal Address from the Zemindar of Calastry.

Translation of a letter from the Zemindar of Calastry, to the Right Honorable ROBERT LORD HARRIS, Governor and President in Council of Fort Saint George, dated 17th December 1857.

(After the usual respects and compliments)

I respectfully beg leave to inform your Lordship that I am at a loss for words to express my feelings of deep regret at the barbarous massacre of helpless and feeble women and innocent children

by the mutinous and treacherous Sapoys and others of the North West Provinces in Bengal and Agra, who ungrateful for the protection and support afforded them by the English Government and regardless of the heavy retribution which awaited them, have heaped perdition upon their heads by betraying a Government renowned for its charity, justice and equity.

2. My prayer and supplication have been that the rebels and traitors might meet with the fate of the moths, which in their anxiety to approach a burning flame, destroy themselves. The intelligence of the English Army having, with the aid of Providence, destroyed those traitors has created in me inexpressible delight.

3. My orisons to God are that those traitors who recklessly follow the scandalous example set by those wretches who have already met with their end, as also their aiders and their abettors may cro

long be entirely annihilated by the English arm, and that after their death, their lot may be with the damned, a punishment which they richly deserve.

4. The exertions which are being made in this country for the annihilation of the traitors, are very creditable. The protection, dignity, convenience, peace, and comfort we meet with under the British Government, were things unknown in former Governments, and believe me, my Lord, when I say from the feelings of my heart that I appreciate these benevolent acts of Government with the grateful feelings of a truly loyal subject.

5. In former reigns the people of this country had no permanent security of their goods and chattels. They were themselves obliged to seek shelter from the outrages of marauders in dense jungles, and underwent great inconveniences; these miseries have been happily averted

by the British Government, through whom we enjoy every comfort in confidence, and we are made to fear nothing. Although the evilly disposed and disaffected have openly mutinied and rebelled, (only to meet their own destruction), I firmly believe that the people of India would not forego the advantages and comforts they enjoy under the British Government, but would to a man in accordance with his means and power subscribe their aid to that Government

6. I am doing all that lies in my power to suppress the spread of evil reports and rumours concocted by the disaffected and the wicked.

7. I, who enjoy all the comforts under a Government whose sole aim is to protect their subjects, do not cease to offer my prayer to God for the prosperity of that Government.

8. I respectfully request your Lord-

ship will be pleased to give the contents of this petition your kind and liberal consideration and invariably protect me. I have nothing more to add.

(Signed) Raja Damara Comara
Vencatappa Naidoo Bahadur.

(True Translation.)

C. WHITTINGHAM, *Collector*

He managed the Estate with so much success and he was ever so loyal to the British Government that he was on the 1st January 1876 made a Companion of the Star of India by Her Most Gracious Majesty the Queen. The numerous laws introduced by the British Government so much interfered with the collection of his revenues, that notwithstanding the excellence of his management he was compelled to borrow money for the most necessary purposes of the Estate and add to the debts which he had inherited. The re-

venues had fallen but the punctuality in the payment of the Government Peshkush had become very great. Money had therofore to be borrowed mostly for the payment of the instalments of the Peshkush to Government. At the time of his death, he left many laos of debt, and one Promissory note of the Government of India for Rs. 3,000 to be inherited by his successor.

He left six sons, having made a will on the 16th February 1881. He communicated to Government through the Collector of North Arcot the fact of his having left a will. This will was registered by him on the 16th February 1881, in the office of the Sub-Registrar of Assurances at Kalahasti. By this will, he recognized the right of his eldest son, a right which he styled as founded on the immemorial custom of his family, to succeed to the Zomindari. A few years before his death, he allowed his successor to transact the business of the

Estate. He provided maintenance to his other sons in the shape of grant of villages which he had acquired from his private purse. He left a direction to his successor to grant them in the aggregate 20,000 Rs a year, having given to them houses, jewels, and furniture. All appertaining to the Zemin-daree he gave to his successor. He died on the 22nd February 1881.

His oldest son, Rajah Omada Rajaha Raja Damara Kumara Muthu Vencatappa Nayanam Bahadur Varu succeeded to the estate of Kalahasti on the death of his father. His succession was recognized by Government and he was honored with a Khillut. The Government order dated 17th May 1881 No. 780 which accompanied it ran thus ;

Two pieces of Kutchobio One Turban One Kammiband Two pieces of Kinkhob	" The Board of Revenue will be request ed to furnish the articles mentioned in the margin to the Col- lector of North Arcot, who will present
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them to Rajah Damara Kumara Muthu Vencatappa Naidu Bahadur, Zomindar of Kalahasti, as a Khilat from Government on the occasion of his accession to the Estate.

2. The Nuzzur of 21 pagodas will be returned for transmission to the Collector who will be guided in the presentation of the Khilat by the instructions contained in extract minutes of consultation, dated 21st April 1835, No. 415, Revenue Department."

The predecessor of the Rajah Saib having possessed a Promissory Note of the Government of India, a question was raised by the Bond Department of Government whether the Rajah Sahib should not, like any ordinary person, be required to produce a certificate of heirship to own the aforesaid note. This question coming before the Government of Madras, it was pleased to recommend to the Government

of India on the 2nd March 1883, No. 481 that the Rajah, like the Maharajah of Vizianagaram, be exempted from obtaining a certificate of heir-ship. The Government of India directed their Assistant Secretary to address a letter to the Chief Secretary of Madras, dated the 16th May 1883, No. 922, complying with the recommendation of the Government of Madras as a special case. He was allowed by the Madras Government in 1890 the honours which used to be received by his predecessor. Ceremonial attention accorded by His Excellency the Governor consisted of, at the reception at, and departure from, the Railway station (or pier), one officer of the Governor's Military staff, undress, accompanied the Chief to and from his residence, a carriage and pair with peons, servants, undress; an escort of Body Guard, I, N, O, officer, and four troopers. At the Durbar Visit at the Government House,

the Chief comes in his own carriage Military staff and servants undress. At the return visit, two officers of the Military staff, to be in attendance undress, carriage and servants, full dress; Native Officers escort, Lord Lieutenant ordinary.

His Excellency Lord Conomara was graciously pleased to pay a visit to the Rajah Sahib on the 20th, March 1890, and His Excellency Lord Wenlock, on the 10th February 1891.

The following is taken mostly from reports of Government officers.

The Kalahasty Zemindary consists of two Divisions, *viz.*, the northern and the southern. The northern is called Pannoor, and is bounded by the Venontagiri and Chundi zemindaris on the north; the Kandakur and Kavali Taluqs of the Nellore District, on the east; the Atmakur Taluk on the south; and the range of hills separating it from Cuddapah, on the west. Its

villages are scattered in five Government Taluqs thus;—In Atmakur 9 villages; in Kavali 24; in Udyagiri 97; in Kandakur 7; and in Kanagiri 64, making a total of 194 villages, covering about 415 square miles, containing a population of about 100,000 souls.

The southern division contains 2 Taluqs, *viz.*, Kalahasti and Cacuinad or Maderpauk, and is bounded on the north by the Vencata-giri zemindary; on the east by the same zemindary, and part of the Chingleput District; on the south by the Trivellore Taluq of the same district, and the Narainavaram Division of the Karvetnaggar zemindary, and on the west by a chain of hills separating it from Cuddapah, the Chandragiri Taluq and Karvetnaggar.

The Southern Division consists of several blocks of tracts containing about 736 square miles. The extent of the entire zemindari is 1,151 square miles. Its popu-

lation according to the census of 1891 is 140,000 souls. The population of the whole zemindari is about 2,40,000 souls. Its produce is paddy, raggy, candulu, Nuvulu, bean, posalu, Minimulu, lamp-oil seed, korralu, jannalu, indigo &c.

The following are the dates of sowing and reaping the several crops.

Nunjah.—Paddy — Pasanam samba, sown in August and September, harvested in January and February.

Iswara Kora, sown in September and October, harvested in February and March.

Nor Sambaksari, sown in December and January, harvested in March and April.

2nd crop Nollavari, sown in March and April, harvested in June.

Punjah.—Raggy. Alloo candalu, sown in August, harvested in November and December.

Cumbu, sown in June, harvested

in August.

Green pessleru sown in October, harvested in January and February.

The chief rivers are the Suvaranamukki, the Rallar, and the Arunanadi or Narayanavanam river. The first flows past the town of Kalahasti, and goes in the Nellore district. The second rises among the hills, south of Kalahasti town and after flowing for about 25 miles in a north-easterly direction, doubles back to the south-east and discharges into the Pulicat lake. It derives its name "the rocky river" from the rocky nature of its bed, a very unusual feature in the rivers of the North-Arcot. The Arunanadi drains the south and contains as do the other two, excellent springs.

The other small streams are the Valagamontha, in which Valaga fish are caught and the Kalingi in the Kalahasti division, and the Goddar, or barren river,

which is a tributary of the Arunanadi in Madorpak. The Suvarnamukki and the Rallar have dams of stone set in mud built across them.

The peshkush or tribute payable to Government is about Rupees * 1,74,000 per annum beside local cesses which amount to about 27,000 Rs. The zemindari now yields four lacs of rupees a year.

The soil consists of white clay, black-red and sandy lands.

The Zemindari is situated among the Eastern Ghats which are abrupt and precipitous. It is a long straggling tract of country, in many parts very wild. The hills are composed of sand-stone and quartz resting on granite. The hills run to within a short distance of the Pulicat lake.

There is a large forest at Sadesivakone on the south of the hills which run

through the Kalashatri zemindari, but there are no considerable forests on any of the hills towards the north, their rocky nature being adverse to the growth of trees. Wild pigs, wolves, cheetas, hyænas, and spotted deer are found among these hills.

Bangles which are made of sand are largely manufactured in the Kalahasti Taluq and carried for sale throughout the Presidency. In Maderpauk large red handkerchiefs which used to be held in great esteem by the natives were once manufactured and sent out for sale. This industry is now almost extinct. There is a small manufacture of clotis in Kalahastri town. There is a large and renowned Siva Temple in it. For the feast of Sivaratri, held in the month of February or March, a large number of people congregates.

A portion of the Villapuram—Nellore Railway runs from Renigunta

to Kalakasti and thence to Venkatagiri and Nellore. The Railway Station is about a mile from the river which forms the western boundary of the town. The road from the station to the river is cut across by two deep nullahs which render the road very difficult for vehicles with springs. There is a decent road from Renigunta to Nayadupet, a distance of 38 miles. This road passes through Erped and Kalahasti. From Erped a road runs to Venkatagiri. The road from Narainavaram to Sativedloo passes through some of the zemindari villages to Madurpank. The road from Trivellore railway station also passes through some zemindari villages and joins the Nagalapuram Road.

The Zemindari though it pays a Road Cess of Rs 27,000, gets very little in return in the shape of new roads or in the maintenance of the existing roads in

good repair.

The exports of Kalahastri are paddy, saffron, chillies, indigo, soapnuts, blue-stones, medicinal and dyeing root, etc.

The imports are few, consisting of tobacco, jaggery, tamarinds, paddy, oil-seeds, cloths and some dry grains.

The ryots of the zemindari are not well off, but are not worse than their brethren in the neighbourhood. They do not migrate but receive emigrants.

The Zemindari is involved in debt. The present Rajah is doing his best to extricate himself from these debts.

The Government is sympathetic, and much good is expected from this attitude of the Government. It has promised loans under the provisions of the Land Improvement Loan Act 1883, amounting to four lacs of Rupees for the improvement of the sources of irrigation to the lands of the Estate.

APPENDIX.

TO

THE REVENUE BOARD.

The Humble Petition of COMARA VENKATAPPA NAIDOO, Bahadur, Rajah of Calastry in the District of North Arcot, by JOHN BRUCE NORTON, Esq, his Vakeel.

SHEWETH,

That by a letter to his address, under date the 25th April 1861, your Petitioner
See App A. was informed that the Government of Madras, by its order of the 9th April 1861, had determined henceforth to take upon itself the collection of the Moturpha tax within the limits of his Zomindary, and to allow your Petitioner compensation for the same, such compensation to be determined upon a review of the collections of the said tax of the last three years.

2. Your Petitioner was in the said letter informed that no objection on his part would

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be attended to.

3. At the same date a notice was issued by the Collector to all the inhabitants of your Petitioner's Zemin-
See App B. dary, peremptorily calling upon them to pay their Moturpha tax to the Collector, and enjoining your Petitioner not to interfere in the collection.

4. Against this arbitrary and utterly illegal interference with your Petitioner's just rights, which have been conferred upon him by the British Government in perpetuity by its solemn deed, which he and his ancestors have enjoyed even before the British power obtained the Government of this country, and which are inalienable without his consent, he now protests and appeals.

5. Your Petitioner submits that this infringement of his rights, without his consent, is an arbitrary violation of the law, by which the Government is as much bound as the meanest of its subjects and he would respectfully ask how any Government can expect an obedience to the laws, if it sets the example of

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infringing them for its own convenience: and what security there can be for title and possession, if grants can be thus resumed at pleasure, in the teeth of the most solemn engagements: what assurance can your Petitioner, and other Zemindars situated as he is, have, that their other rights, even in the land itself, will be respected, if it should at any time seem fitting to the Government to depart from its own sealed deed?

6. Not only has the Government no legal right to take the collection of the Moturpha tax out of your Petitioner's hands, but the act is in direct opposition to the solemn promise of Her Majesty the Queen, made in her gracious Proclamation of the 1st November 1858 to all the inhabitants of Hindustan, in which she says:—

“ We hereby announce to the native princes of India that all treaties and engagements made with them, by or under the authority of the Honourable East India Company, are by us accepted, and will be scrupulously maintained; and we look for the like observance on their part.

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We desire no extension of your present territorial possession, and while we will permit no aggression upon our dominions or our right to be attempted with impunity we shall sanction no encroachment on those of others. We shall respect the rights, dignity, and honour of native princes as our own, and we desire that they, as well as our own subjects, should enjoy the prosperity and that social advancement which can only be secured by internal peace and good Government.

We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects; and those obligations, by the blessing of Almighty God, we shall faithfully and conscientiously fulfill."

7. Independently of this gracious promise and assurance, and assuming that it had never been made, your Petitioner submits that the Government has no legal right to act as it has done in this matter. He feels that the language in which he has expressed himself is strong; but the occasion is one which justifies it; and

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he means no disrespect to the Government, of which he has always been a loyal and faithful subject.

8. Your Petitioner will now call attention to the indispensable proofs of his position that the late act of the Government is illegal.

9. The terms of his Sunnud, dated 4th See App C. August 1802 are as follows.—

“The permanent demand fixed by this sunnud on your Zomindary is exclusive of the Revenue derived from the manufacture and sale of Salt and Saltpetre; exclusive of the sayer or duties of every description the entire administration of which the Government reserves to itself exclusive of the tax on the sale of spirituous liquors and intoxicating drugs; exclusive of all lands and musooms heretofore appropriated to the support of Police Establishments. The Government reserves to itself the entire exercise of its discretion in continuing or abolishing, temporarily or permanently the articles of revenue included according to the custom and practice of the country under the several heads above stated.”

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10. These terms are different from those made use of in the case of the generality of Zemindars. The ordinary clause in the sanads granted is as follows :—

“The permanent assessment of the land tax on your Zemindary is exclusive of the revenue derived from the manufacture and sale of Salt, and Saltpetre ; exclusive of the sayer or duties of every description, whether by Sea or Land, the entire administration of which the Government reserves to itself exclusive of the alkany or tax on the sale of spirituous liquors and intoxicating drugs, exclusive of the excise which is or may be levied on commodities or articles of consumption ; *exclusive of all taxes personal and professional*, as well as of those from Markets, Fairs, and Bazaars, exclusive of Lakkeraj lands (lands exempt from the payment of public revenue) and of all other alienated lands paying a small Quit rent, (which quit rent unchangeable by you is included in the assets of your Zemindary) and exclusive of all Lands and Russooms heretofore appropriated to the support of Police establishments. The Government

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reserves to itself the entire exercise of its discretion in continuing or abolishing, temporarily or permanently, the articles of Revenue included according to the custom and practice of the country under the several heads above stated."

11. Hence it will be seen that in the *last* class of sunnuds, the Government reserves to itself the right of subsequent interference with "taxes *personal* and *professional*," within which description the Moturpha tax unquestionably falls.

12. It might be sufficient to point out that no such right or power is reserved to the Government in [your Petitioner's Sunnud, and there leave it to the Government's sense of justice to rescind its recent order as *contra vires*, and contrary to law.

13. But your Petitioner will justify his case by a reference to former decisions, when this very question, and questions of a cognate nature, have arisen; when it will be seen that the Government, upon ascertaining that it had not the power by law to carry out

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its wishes with respect to your Petitioner's Zemindary, at once bowed to the authority of the law, and forth with dropped its intention as unfeasible.

14. The Proceedings of the Revenue Board of the 8th July 1816 expressly re-
See App. D. cognize the distinction between your Petitioner's Zemindary and Ordinary Zemindaries. But as the subject then was that of power of resuming alienated lands, and not connected with the Moturpha, your Petitioner will not further comment on it.

15. On the 14th September 1829 the Court of Foujdaree Adault deter-
See App E. mined that the Government could not interfere with the Police in the way it desired, and that if the Zemindar did not consent to the wish of Government, there was no help for it. If it were necessary to cite authority for the fundamental principle of justice that a contract cannot be varied except by the consent of both the parties to it, this decision would be directly in point. But it cannot be necessary to do more than appeal to

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the moral sense of right implanted in every human breast for the recognition of so elementary a proposition.

16 But in the year 1820 this very subject came under discussion. The Government then determined, as it has now, to resume the collection of the Moturpha tax; but as your Petitioner's ancestor, the then holder of the Zemindary, would not consent, the Government at once abandoned its intention, on the ground that the form of your Petitioner's sunnud varying from the ordinary sunnuds, gave the Government no power legally to interfere. The Board of Revenue on that occasion forwarded to the Collector of Northern Arcot the following Letter, under date the 4th December 1820.

Revenue Department.

TO THE COLLECTOR IN THE NORTHERN DIVISION
OF ARCOT.

SIR,

Para. 1. I am directed by the Board of Revenue to acknowledge the receipt of your

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letter of 27th ultimo, relative to the refusal on the part of Calastiy and Bomrauze Zemindars to allow of the Moturpha being collected on account of Government in their districts.

2. With reference to the representations of the Zemindars, that these collections were not included among the items of Revenue on which they had no claim, as inserted in their sunned-i-Milkent Istemerar—the Board have examined the authenticated copies of the sunnuds granted to them, and observe that they differ materially from the printed form of sunnud-i-Milkent Istemerar.

3. This last form agrees in all respects with Section IV Regulation XXV of 1802, and in it the Moturpha or taxes personal or Professional is stated to be exclusive of the kists payable by the Zemindars to Government who reserves to itself the entire superintendence of those articles of Revenue, *but in the sunnuds granted to the Zemindar of Calastiy and Bomrauze this reservation is specially omitted.*

4. You are therefore authorised to abandon all claims on the part of Government to the

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collection of this tax within the limits of those Zemindaries, and you will inform the Zemindars that they may continue to collect the Moturpla as formerly, the amount thereof being included in the assets upon which their [poshoush] was fixed.

I am, Sir,
Your most obedient Servant,
(Signed) R. CLARK,

Secretary.

FORT ST. GEORGE,
4th December 1820.

17. There has been no alterations in the legal relations of the Government and your Petitioner since then. His sunnud has never been varied ; and what would have been illegal then cannot be legal now.

18. Your Petitioner perceives that the Government proposes to make him pecuniary compensation for the loss of his Moturpla: and he admits that it may possibly be more convenient to the Government to have one uniform system of collections all over the country; but even the beauty of uniformity must yield to law.

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When the Judge is requested "to wrest once the law to his authority," he replies, "it must not be." To do even a great *right*, it is never just or even politic in the long run, to do even a "little wrong" much less, when the wrong is to be wrought only on the score of convenience, simplicity, or the like.

19. No pecuniary compensation can be any satisfaction to your Petitioner. As the country advances in wealth and prosperity, your Petitioner's revenue will be increased by the increased Moturpha. To assess his compensation therefore on the past three years' collections, is manifestly insufficient. But the Moturpha has in your Petitioner's eyes a *præmium affectionis*, for which money can never afford him a compensation. He cannot but suffer loss of dignity and a diminution in the respect of his people throughout the Zemindary, if they see him stripped of one of his priv leges, and the Government coercing him to submission by the mere force of superior might against his expressed desire and the express terms of their own solemn obligation.

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20. Your Petitioner therefore prays that the Revenue Board will submit this his humble petition to the Right Honorable the Governor-in-Council, with a view to his reconsideration of the order of the 9th April 1861, and to the issue of orders to the Collector of North Arcot, to cancel his notification of the 25th of April last; and for a declaration that your Petitioner is legally entitled to collect his Motupha tax as heretofore.

And Your Petitioner as in

Duty bound shall over pray &c,

APPENDIX.

A.

Letter sent by the Acting Collector under date the 25th April 1861 to the Zemindar of Strie Calastrj.

Referring the order of the Government dated

B

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The 9th Feb 1861 and No 58, we inform the Zemindar as follows :—

The Government will take upon to collect the Moturpha Tax in the samstanum without the interference of you Sahib from Fussy 1271 i. e. 1st July 1861, for which compensation will be given to you Sahib which amount should be fixed upon the collection of the Moturpha Tax therefore we hope the accounts of the last 3 years of Moturpha Tax in your samstanum with the documents to prove the same, are to be forwarded to M. Narasunna Pantala the Deputy Collector.

Notices are issued to the Merchants and Ryots that are liable to Moturpha Tax in samstanum stating that they should pay entirely the said Tax to Government. The copy of it is herewith sent to you Sahib As the order of the Government, with regard to the Moturpha Tax in the Zemindary is final, therefore it will be executed strictly without any objection whatever. In this matter you Sahib should condescend to the Government If whatever objections raised they will not be complied with.

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B.

TRANSLATION.

NOTICE.

L. S.

J. D. ROBINSON, Esq.,

Acting Collector of Chittore.

Notice is hereby given to the Merchants and Ryots that live in the Zemindary of Stree Calastiy about the payment of Moturpha Tax to the Zemindar of Stree Calastiy.

Referring to the order of the Government dated the 9th February 1861 and No. 318 that the Zemindar of Stree Calastiy should not interfere in the Collection of Moturpha Tax from all the Merchants and Ryots &c., that live in his Zemindary from Fussy 1271 i. e., 1st July 1861—the Government will take upon the collection of Moturpha Tax in the said Zemindary. The Merchants and Ryots of the said Zemindary that were paying the said Tax to the said Zemindar of Stree Calas-

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They, were directed to pay the said Tax to the Government without arrears. In case Merchants and Ryots state that they have paid a part or parts or any part in the amount of Tax due by them to the said Zomidar the Government will not accept it. The person who is liable to Molurpha Tax is himself responsible to the amount Taxed and which will be collected strictly by Government without arrears; therefore take notice that every person who is liable to Molurpha Tax.

C.

Sunnul-i-Milkent Istimrar or deed of Permanent Property granted by the Right Honorable Edward Lord Clive, Baron Clive of Walcot in the County of Salop, and Baron Plassey of the Kingdom of Ireland, Governor in Council of Fort St. George on the part of the Honorable the United Company of Merchants of England Trading to the East Indies to Damerala Comar Timma Nardoo, Zemindar of Calastry

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It is known to you that by the ancient constitution of the Government of the Carnatic you held possession of your Zemindary subject to the payment of an Annual Peishcush, to the discharge of Military Service, and to the payment of Nuzzers and fines, that the amount of the Peishcush and the extent of the Military Service were undefined, and that the amount of the contribution in Nuzzers was determinable according to the pleasure, and enforced according to the power of the Nabobs of the Carnatic. It is also known to you that the Peishcush paid by you was never augmented, nor the usual Nuzzers exacted from you during the time when the administration of the Carnatic has been brought under the management of the British Government, that with the view of perpetuating to you the secure possession and enjoyment of your lands it was provided by treaty between the British Government and his late Highness the Nabob of the Carnatic, Mahomed Ally, bearing date the 12th of July 1792, that your dependence on his Highness should cease, and that you should be subjected exclusively to the

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British Government. From that time accordingly you have continued to pay the customary Peishcash free from Nuzzer and have enjoyed your Zemindary free from demands for Nuzzers and all other public charge than that attending the Military establishment attached to the conditions of your tenure.

2. The British Government having now resolved that all the troops to be maintained for the protection of the territories subject to that Government shall be in the immediate pay and service of the British Government has relieved you from the condition of Military service, from the obligation of furnishing troops and Military stores for the service of Government and of maintaining forts or garrisons in all time to come, it has commuted the said Military service for an equivalent to be paid in money by you and your posterity.

3. In consideration of the relief which your finances will derive from the relinquishment of your Military Service and from the discontinuance of the expense to which you have on that account been liable in consideration also of

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charging itself with the entire protection of the territories dependant on its power ; the British Government has fixed your annual contribution including equivalent for Military service and the established Peishonah and for ever at the sum of Star Pagodas (54,398) Fifty-four thousand three hundred and nienty-eight which said amount shall never be liable to change under any circumstances, and is hereby accordingly, declared to be the permanent annual demand of Government on your Zemindary.

4. Under the constitution erected by the British Government for the security, protection and prosperity of its territories, regulations will be framed from time to time for the improvement of the condition of the people, these regulations will be administered by independent Judges in constituted Courts of Judicature governing their decisions by the laws only. The decrees of these Courts will be founded on the Regulations of Government printed, published and translated for the information and security of its subjects and on the institutes of the Hindoo or Mahommodan laws which are

open to the enquiry of all persons, the proceedings of the Adawlat will be held in open Courts accessible to persons of every description; all parties will be at liberty to attend to their own interest by their presence in the Courts during such proceedings or to employ their Vakeels with such instructions regarding the mode of prosecution or defence as may appear to be most eligible to themselves, the sentences of the Court will be pronounced in the same public manner, and executed by civil authority without the interposition of military force; the Collectors and other public servants of the Government will be compelled to answer in the Courts of Judicature for all acts done by virtue of their offices contrary to the Regulations of Government, and by which Zemindars or others may feel themselves injured; and finally, the greatest practicable degree of security has been extended to the native subjects of the British Government by the establishment of a gradation of appeals from the Zillah Court to the Provincial Court and from the Provincial Court to the Court of Sadr Udawlat at the Presidency and

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in the last resort, from the Court of Sudr Udalt to the Governor General in Council of Bengal

5 The permanent demand fixed by this Sinned on you Zemindary is exclusive of the revenue derived from the manufacture and sale of salt and saltpetre; exclusive of the sayor or duties of every description the entire administration of which the Government reserves to itself exclusive of the tax on the sale of spirituous liquors and intoxicating drugs ; *exclusive of all land and roosooms heretofore appropriated to the support of Police establishments.* The Government reserves to itself the entire exercise of its discretion in continuing or abolishing, temporarily or permanently the articles of revenue included according to the custom and practice of the country under the several heads above stated.

6. You are regularly to pay in all seasons the amount of the permanent assessment above fixed, no remission will be granted on account of drought, inundation or other calamity of the season, and if (which God forbid) you should fail to discharge your engagements, your pei

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sonal property and your Zemindary shall be answerable for the consequence of such failure, but under the terms of the assessment on your Zemindary this event can never happen except in consequence of your own default, for the Court of Judicature will protect you against such an injury unless warranted by your failure.

7. You shall be at free liberty to transfer without the previous consent of Government or of any other authority to whomever you may think proper either by sale gift, or otherwise, your proprietary right in the whole or in any part of your Zemindary ; such transfers of land shall be valid and recognized by the Courts and officers of Government, provided they shall not be repugnant to the Mahomedan or Hindoo laws to the Regulations of the British Government, but unless such sale, gift or transfer shall have been regularly registered at the Office of the Collector, such sale, gift or transfer, shall be of no legal force or effect, nor shall such transaction exonerate you from the payment of any part of the public land tax assessed on your entire Zemindary previously to such transfer,

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but your whole Zemindary shall continue to be answerable for the total land tax in the same manner as if no such transaction had occurred

8. Your Zemindary will be liable to be sold either wholly or in part in satisfaction of a decree of a Court of Judicature, but this event under the terms of the assessment can only happen from neglect of your own interests from extravagance and dissipation. to preserve your Zemindary from the consequences of past imprudence the Courts of Judicature will not be competent to entertain suits for the recovery of such debts as may have been incurred by you previously to your subjection to the British authority in the year 1792

9. In the event however of the sale of any part of your Zemindary for the liquidation of arrears of assessment, or in satisfaction of a Decree of a Court of Judicature or in the event of the transfer of any part of your Zemindary by gift, sale or otherwise you shall furnish the Collector with true and correct accounts of your entire Zemindary and of the portion of the Zemindary to be so separated for a period

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not less than the three years preceding such sale and transfer in order that the due proportion of the public revenue may be fixed thereon. The assessment to be settled on the separated parts of your land shall always bear the same proportion to the actual produce of the separated portion, as the total permanent jumma on your Zemindary bears to the actual produce of the whole Zemindary, so if the accounts to be furnished by you should be correct no partial assessment can happen: nor any increase of the fixed Jumma be ever made, under whatever changes or improvements your interests or your pleasure may lead you to introduce into your Zemindary.

10. Although you will have free right and liberty to transfer by sale, gift, or otherwise, any part of your Zemindary not repugnant to the Regulations of Government, yet it shall not be competent for you to form any part of your lands into a separate estate paying its jumma directly to Government unless the public assessments on such separate estate shall amount to the annual sum of five hundred Star Pagodas

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and upwards

11. In order that you may at all times be enabled to comply with the conditions of the article of this sunnad by which you are bound to furnish true and correct accounts of your Zemindary when required by the Collector, you shall support the established number of curnums in the several villages of your Zemindary. Curnums shall be appointed from time to time by you and shall obey all regular orders issued by your authority but they shall not be liable to be removed from their offices except by the sentence of a Court of Judicature.

12. The Government having entrusted you with the Police of your Zemindary you shall so long as this trust shall be reposed in you apprehend and secure offenders of all descriptions and shall send all such offenders to the Magistrate.

13. You shall enter into written engagements with your ryots either for a rent in money or in kind clearly defining the amount to be paid to you by such ryots individually and explaining every condition of the engagements and you shall grant or cause to be granted

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regular receipts to the ryots for all discharged in money or in kind made by them to you or for your accounts.

14. The foregoing conditions contain an abstract of the obligations and duties which you shall incur and of the rights which you have acquired under the constitution of the Government for the British territories of Fort St. George. Being therefore sensible of the benefits conferred on you by these institutions and confident of enjoying the fruits of your industry, you shall be punctual in the discharge of your public engagements; you shall conduct yourself with good faith towards your Ryots whose prosperity is inseparably connected with your own; you shall treat them with tenderness, encourage them to improve and extend the cultivation of the land and lay the foundation of your own happiness in the permanent prosperity of your Zemindary.

15. Continuing to perform the above stipulations and to fulfil the duties of allegiance to the British Government, its laws and regulations, you are hereby authorized and empowered to hold in perpetuity and your heirs, successors, and assigns, at the permanent assessment herein

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named the Zemindari of Calastray.

Given in Fort St. George this twenty-fourth day of August in the year 1802 by and in the name of the Right Honorable the Governor in Council.

(Signed) CLIVE.

„ F. STUART.

„ W. M. PETREED.

„ M. DICK.

(Signed) J. N. HODGSON,

Secretary to Government.

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## D.

*Extract from the Proceedings of the Board of Revenue under date the 8th July 1816.*

Read again letter from the Collector in the Northern Division of Arcot noted in the margin,

with its several on-

From 'Mr. Grame, 15th February 1814.

closures No 1 and 5,  
of which enclosure No.

1 is a letter from the Zemindar of Calastray to the address of the late Governor, His Excellency

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Lieutenant General Abercromby.

1. From these papers it appears that the grandfather of the present Zemindar made over at various times between the years 1776 and 1796 the revenues of certain Villages to persons having or supposed to have influence at the Durbar of His Highness the Nabob of Arcot, and afterwards with the British Government—and on various other pretexts of friendship, or private pecuniary services.

2. Between the years 1796 and 1804 the villages in question were resumed either by the present Zemindar or his father from which time the Zemindar has continued to receive the rents, until about three years ago—when suits for the recovery of some of them were instituted in the Zillah Court of Nellore—and the villages adjudged to the Plaintiffs.

3. The Zemindar thereupon addressed the above mentioned letter to General Abercromby in which he states generally what were the occasions of the Grants, and the understood terms of their tenure—insists upon his father's and his own right to resume them—and declares the difficulty to which he should be exposed in paying his

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Junna it similar claims are brought forward respecting the rest of the resumed Villages, and are adjudged upon the same principles. Finally he petitions the Governor in Council to put a stop to the presentation of such claims before the Courts of Judicature.

4. The Board here remark that the only way in which a stop could be put to the further presentation of such claims would be by prohibiting the Zillah Courts from entertaining suits respecting them. But as Government has enacted defined laws for the guidance of the Courts of Judicature it is obvious that such a prohibition could not be imposed upon them consistently with the present constitution of the Government for British India except by a Regulation duly enacted for that purpose.

5. In the first instance, it is necessary however with reference to the rights of Government which are implicated in the question, to examine the claims set up by the Zemindar, to investigate the legality of the resumptions which he has made, and on the other hand the justice of the ground assumed in the decree which has restored the Villages to the Plaintiffs.

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6. To the resumption of the villages by the Zemindar, objections may rest on two grounds.

1st.—On the general laws enacted by the British Government, or on particular engagements entered into with that Government.

2nd.—On the terms of the grant or deed under which the alienation was made by the late Zemindar if the present Zemindar is legally bound by it.

7. The general instruction issued in 1799 for framing the permanent settlement required that the assessment should in all cases be made exclusively of all alienated lands whether free from tax or subject to the payment of a reduced tax, or alienated with or without due authority. A copy of these instructions was furnished to Mr. Stratton by Section IV Regulation XXV A. D. 1802 that is enacted as law which in 1799 was a fiscal order only it is believed that the law had not been promulgated or even printed in August 1802 when the special com-

*Note*—The Collector must ascertain when the Regulation in question was received at Cluttero—also the day

mission made their report to Government on the proposed per-

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in which the Chittoor and Nellore Zillah Courts were respectively opened—there is reason to think that the Regulations passed on the 13th July 1802 were not printed till September in that year.

manent assessment of the western Pollams— if however Regulation XXV. A. D. 1802 applies to the Zemindar of Calastry and if the Villages were

‘Lacheeraj or paid a favourable quit rent’ the resumption by him was illegal under that Regulation.

8. The Villages in question appear to have been held by the Plaintiffs in the Courts under deeds granted by the ancestors of the present Zemindar and were therefore alienations made,—not by the Sovereign authority from its public revenue, but by a dependant Tributary from his private Income. The entire Rajam Pollam or Zemindary was always answerable for the Peishoush or Jumma fixed thereon. The alienations in question were alienations without due authority or more strictly speaking not alienations at all as the word *alienation* must be understood in the regulations—because, not exempt from paying revenue to Government. The Rajahs or Zemindars might alienate from themselves but

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they could not alienate from Government. In order however to save the Zemindars and Government the trouble of an inquiry at the time the permanent settlement was formed, the villages in question were reserved for future inquiry, that is, their value was not included in the assets of the Zemindary. Under this reservation if proved the right of the Zemindar to the Villages must fall to the ground and with it his right to resume them.

9. There can exist no doubt that from the date of the onmost grant for the village executed by the former Rajahs or Poligars, to that of the latest resumption by the present Zemindar, all the Villages in their Polhams not alienated by due authority, that is with the sanction of the Sovereign Power, were liable to be resumed on any failure in the discharge of their Pishoush, in other words, all the Villages were responsible for the Pishoush, without any exception in favor of private grants by those Rajahs or Poligars.

10. In order to ascertain in what manner the Villages in question were disposed of on forming the permanent Settlement, the Board have referred to Mr. Statton's report, to the

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report of the special commission, to the copy of the Cabooliat signed by the Zemindar and to the copy of the sunnud given to him on fixing the Jumma of his Zemindary in perpetuity.

11. In the sunnud granted to, and Cabooliat executed by Zemindars, with whom a permanent settlement is made, the following clause has been ordinarily inserted.

4th. This permanent assessment of the  
“land tax on your Zemindary is exclusive  
“of the revenue derived from the manufacture  
“and sale of Salt, and Saltpetre, exclusive of  
“the sayer or duties of every description,  
“whether by Sea or Land, the entire adminis-  
“tration of which the Government reserves to  
“itself, exclusive of the Abkay or tax on the  
“sale of spirituous liquors and intoxicating  
“drugs, exclusive of the excise which is or may  
“be levied on commodities or articles of con-  
“sumption; exclusive of all taxes personal and  
“professional, as well as of those from Markets,  
“Fairs and Bazaars, exclusive of Lakhonaj lands  
“(lands exempt from the payment of public  
“revenue) and of all other alienated lands pay-  
“ing a small quit rent, (which quit rent is

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“chargeable by you is included in the assets of  
“your Zemindary) and exclusive of all Lands  
“and Russooms heretofore appropriated to the  
“support of Police establishments The Gov-  
“ernment reserve to itself the entire exercise of  
“its discretion, in continuing or abolishing,  
“temporarily or permanently, the articles of  
“Revenue included, according to the custom  
“and practice of the country under the several  
“heads above stated.”

12. It appears from the Copies of the Sunnuds in the Office of the special Commission granted to the Western Zemindars of Vencatagherry, Calastry and Bomrauzo that the above recited clause was not inserted in the Cabooliat and Sunnuds sent to Mr. Stratton for these Zemindaries; indeed the Sunnud as now printed and used had not at that time been prepared

... It is also necessary to remark that the clause usually inserted in Sunnuds and Cabooliats respecting alienated lands could not have stood in those executed for the Western Zemindaries even if the present form of Sunnud had existed at the time—because it *was* intended to give authority to these Zemindars to resume

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alienations or assignments made by themselves to Military retainers.

13. The Board remark further that there were various alienated Villages not connected with Military tenure, that of these a separate list was submitted by Mr Strotton in his Report under date the 21st July 1801 and that the value (that is the value of the Chacar share) of these Villages, was deducted from the total assets previously to fixing the future Jumma of the Zemindar of Calastry.

14. Section III Regulation XXV, 1802, prescribes that in all cases of disputed assessment, the Courts shall give Judgment in conformity with the conditions of the Sunnuds and Caboolats under which the agreements may have been formed. With reference to the points above stated and discussed it will be necessary that the Collector examine the Caboolat in his office executed by the Zemindar of Calastry, and that having ascertained its conditions and its date, he will ascertain moreover whether the names of the Villages in question resumed by the Zemindar, were endorsed on the back of the sunnud as forming parts of the

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lands of his Zemindary or were included as such in any signed list of Villages delivered to the Zemindar

15. It will also be necessary that the Collector should satisfy himself by an examination

In Col 2 Statement A., letter to Government 12th August by the special Commission where Six Pagodas 1,14 138 are denoted alienated lands. Column 6 gives the Net Revenue in money and Service Lands exclusive of alienated land.

of Mr. Statton's Report sent to the special Commission and Statements connected therewith, whether the value of the villages claimed by the Zemindar was excluded from the assets of the Zemindary,

or was added, as the value of the Amerum and Cuttoobady lands, was to those assets, previously to declaring the total permanent Jamma.

16 No doubt can remain of the intention of Government to reserve the question of alienated

See 91 Para of Mr Statton's Report 24th July 1801, and No. 28 list of Zemindars referred to therein.

See Appendix No. 1.

lands for future consideration Statement A alluded to in the letter of the Special Commission to Government dated the 12th of

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August 1802 shews it in every Column. The value of all alienations (military tenures excepted) is deducted from the gross value of the Zemindaries, and the total value after such deduction, is the value on which all the calculations are made. It is only necessary to examine the detail of which the abstract is formed, to determine whether the value of the villages in question was or was not included in the assets on which the permanent Jumma was fixed.

17. Where a village resumed by the Zemindar of Calastiy is included in the list forming the total in Col. 2 of Statement A in the Special Commissioner's report to Government, the Zemindar can have no right to that village; that right must remain with Government; where a village has not been included in that list, that is, had not been deducted from the total assets, the Zemindar's right to it would depend entirely on the right he may possess to annul his own acts or those of his predecessor, and is a question to be decided by the Courts.

18. The Judgment of the Court at Nellore is given on a written grant of the present Zemindar.

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dar's immediate predecessor. The Court has maintained the right of the Zemindar to alienate from his income and has also bound the successor to acknowledge the act of the predecessor. The Court has held the grant "for as long as the Sun and Moon shall endure" by the father of the Zemindar of Calcutty, to be binding on the son, a grant by the Zemindar in actual possession might perhaps be valid against himself, so long as he remains in possession, but the Board believe it to be contrary to law that the successor, whether by inheritance or by purchase, should be bound by the grant of the previous occupant, unless all the provisions of Regulations XXV and XXVI of A. D. 1802 have been complied with. The provisions of these Regulations and the principles of the permanent Settlement would furnish the successor to the Grantor, with the means of recovering the value, at least, of such unregistered grants. He need only fall in arrears, and get the villages attached and sold which are held under such a grant as has been described, and he would receive the value thereof ; for the lands held under such titles, must

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then be assessed with their portion of the Jumma as soon as attached for sale.

19. But in the present case, the villages which form the subject of dispute, there is reason to believe, were reserved by the Government, in so far as to be excluded from the assets upon which the permanent Jumma was calculated—the propriety of the reservation of these villages in the hands of Government will, from the observation before recorded, appear manifest. If the assets of them had been added to the general assets of the Zemindary, the Zemindar would have been assessed in full for what was not then and is not now, if he has been compelled to conform to his Father's Grants, an available resource. The Government has reserved to itself the power to try the right of the present incumbent to the Villages in question; and the Grants under which they are held by the present incumbents, being Grants by the present Zemindar's ancestors they must be considered invalid grants as against the rights of Government; and the Villages are no doubt recoverable under the provisions of Regulation XXXI, A. D. 1802.

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20 Should the Collector be satisfied that the value of the villages referred to in Para. 94 of Mr. Stratton's Report quoted above was deducted from the assets of the Zemindary of Calcutty previous to fixing the future Jamma, it will be his duty to proceed in the manner pointed out in Regulation XXXI. A. D. 1802, to recover such as are held under invalid titles and are not endowments on public institutions. It is desirable that he should begin with those persons who hold Villages restored under a Decree of the Zillah Court.

21. Whether the Government on obtaining a Decree in their favor will retain these Villages or return them to the Zemindar on his paying an adequate assessment on them will be a question for future determination on a more full review of all that may have passed on the subject. The Board are inclined however to be of opinion that the Zemindar will have a reasonable claim to be put in possession of such Villages by the Govt: on the usual terms of Zemindary tenure.

(A true Extract )

(Signed) J. HANBURY.

*Secretary.*

## XLI

E.

*Foujdaree Adalut*

TO THE JUDGES OF THE PROVINCIAL COURT OF  
CIRCUIT IN THE CENTRE DIVISION.

GENTLEMEN.

I am directed by the Judges of the Foujdaree Udault to transmit to you the accompanying extract from their Proceedings of this date, for the information and guidance of the Magistrate in the Northern Division of Aicet.

I have the honor to be,

Gentlemen,

Your most obedient Servant,

(Signed) A. D. CHAMBERLAIN,

*Register.*

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FOUJDAREE ADAULT REGISTER'S OFFICE,

*24th September 1829*

*Extract from the Proceedings of the Foujdaree  
Adalut, under date the 24th September 1829*

Read letter dated the 3rd instant, from the  
Provincial Court of Circuit in the Centre Division

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forwarding copy of a communication from the Magistrate in the Northern Division of Arcot with a translation of an Arzoo to his address from the Zemindar of Calastry, requesting to be relieved from the personal performance of the Police duties.

Read also Petition presented by Tirmulrow, Vakeel in behalf of the said Zemindar, making the same application to this Court.

The Court entirely concur in the opinion expressed by the Judges of the Provincial Court that the alternative proposed by the Magistrate of North Arcot, *viz.*, of (the Zemindar) either superintending in person the duties of Police, or of his forwarding to the Magistrate's Court the amount of monthly pay of a Native Head of Police to be appointed and paid by the Magistrate, could not with propriety be given to the Zemindar, for this would be to tax him with the expense of the Police contrary to the implied, if not the expressed, pledge given at the period of the permanent settlement. If the arrangement detailed in this Court's letter to Government, of the 22nd December 1828, is properly

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explained to the Zemindar, he will see that it imposes hardly any personal trouble, the detailed duties devolving on those under him, and that he is no more subject to answer unfounded complaints, than the Magistrate himself, who may be prosecuted in the Civil Court. If however the Zemindar declines to execute the Police duties or the Collector deems it inexpedient to entrust them to him there seems no alternative but the appointment, or re-establishment, of Police Amins by the Magistrate, under the authority contained in the latter part of section XXXVIII Regulation XI of 1816 at the expense of Government.

Ordered, that extract of these proceedings be transmitted to the Provincial Court of Circuit in the Centro Division to be communicated together with a Copy of their letter to this Court recorded above, for the information and guidance of the Magistrate in the Northern Division of Arcot.

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TO,

THE PRESIDENT AND MEMBERS OF  
THE BOARD OF REVENUE.

&c, &c., &c,

GILLMEN,

I beg leave to bring under the consideration of the Board of Revenue certain circumstances connected with the Calcutty Zemindary, and which appears to me to be contrary to the provisions of the Permanent Settlement and Caboolat which have been held to be inviolate under the protective powers of the Board; in the firm hope of obtaining justice at the hands of the Government.

1 When my Zemindary was under the Mahomedan Government, a Poshensh of Pagodas 10,775 was paid, and a sibbondy maintained by us, and the whole dei vable income enjoyed by us w<sup>th</sup> full power over the villago servants and their omoluments.

2 When it was taken under the British Government, the Military Service was commuted and added to the Poshoush of Pagodas, 10,775 and the sum of Pagodas 54,398 fixed as the

Poshoush, and a *Permanent Cowle* was issued on the 24th day of August 1802.

In paras 2 and 3, the items which compose the Poshoush are stated and in para 5, the items of Sayer, Abkariy, Salt, Salpetre and Police are reserved to the Government, and in para 9, the power to call for Accounts on a *sub-division* of the Estate, and in para 11 about Ournums —and a Caboolat containing precisely the same expressions was taken from my predecessors.

3. When the Cowle and Caboolat were prepared the Special Commissioner wrote to Mr. Stratton on the 25th August 1802. In para 10 of this highly important document it directs him to assist the Zemindars patiently, to use most persuasive and conciliatory measures in reconciling them to the change that the measure then to be executed had been under the contemplation of the British Government for more than *seven years*, and that it had been repeatedly submitted to the Honorable Court of Directors and to the Governor General in India, and to assure the Zemindars that a resolution so form-

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ally and deliberately passed will not be liable to change. It will therefore be apparent to your enlightened mind that all matters were to be disposed of in conformity to the provisions of the Cowle and Cabolot and which were to be held as "*not liable to change*"

4. In your Proceedings dated 8th July 1818 paras 9. 10. 11. 12. and 18 and in the latter part of 21, the Board ruled that Regulation 25 of 1802 was not applicable to my Zemindary and that the resumption of unclaimed and Lukraj lands was in the course of my ordinary authority invested in me.

5. When Mr Cook (the late collector of North Arcot) proceeded to collect the Mortuapha tax under provision of Section 4 Regulation 25 of 1802 in my Zemindary, your Board under date 4th December 1820 were pleased to negative that officer's orders with the remark that that section had reference only to the more recent printed Cowles and that my Zemindary situated as it was not comprehended in its provisions. I have therefore continued to exercise the right of collection to this day.

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6. When the provisions of the same Regulation were sought to operate in the resumption of the Enam Village of Poddapooloo, your Board were pleased in their proceedings under the views of Government dated 6th April 1839 to restore the same with the means profits.

7. While I was thus enjoying full security under the provisions of the permanent Cowlé and Caboolat and supported by your Board, the late Collector Mr. J. D. Bourdillon on the 24th April and 28th May 1850 forwarded an order to the effect that under the instructions of your Board the provisions of Regulation 6 of 1831 were to be extended to my Zemindary and therefore with the exception of the office of Cairums, a statement of the emoluments of all other Village officers should be submitted, with the reasons of appointment and dismissal: on my submitting the several documents which proved, that that power was reserved to me by special treaty, no further correspondence ensued.

8. But on the 8th October 1852, Mr. H. A. Brett, the Acting Collector, forwarded a letter to the effect that under the circular orders of the

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Board of Revenue dated 29th August 1851, no measure should be taken towards the Village officers excepting Cirums without the order of the Revenue Authorities. That officer was informed that this could not be applicable to my Zemindary and the whole of the reasons which supported this view was subsequently communicated to Mr. Bourdillon on the 24th August 1854 with a request that the whole may be laid before your Board.

9. I am not aware of the exact nature of the Report to the Board, but on a Representation of myself and other Zemindars that the provision of Regulation 6 of 1831 was not applicable—the matter was referred to your Board and Government in order that the opinion of the Law officers may be obtained—on the 1st February the Collector Mr. Whittingham communicated the proceedings of the Board of Revenue dated 4th January 1855 on the views of Government which were, that as there was no exception made it was desirable that the question, whether Regulation 6 of 1831 is applicable to the Calastiy and other Zemindries

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should be brought to a Judicial decision, that in their opinion the Court of Sudr Adawlut have ruled that the Regulation does apply to Zemindary lands—that the wording is conched in general terms and contain no reservation in favor of any class of Zemindaries, and that the most ready mode therefore of bringing the question to Judicial arbitrement would seem to be that the Collector should act upon the opinion as it stands without any distinction, applying it to the Zemindaries and leaving it to the proprietors of these Estates, if so disposed, to contest the correctness of the proceedings by a suit in Court, when the question will be fully brought to issue and finally settled. The Collector therefore has demanded on the 1st February 1855 that the accounts for Puzloo 1264 should be submitted. I pointed out in reply the manner in which the controlling authorities had hitherto protected my interest, and that it never referred me to any Judicial authority and begged that the whole matter in all its bearings may be brought before Government in the usual course while

## L

the requisition in the meanwhile for the accounts should be kept in abeyance. Mr Whittingham is of opinion that there is no alternative left for him to act, but that I may submit my case for the consideration and orders of the Board and that the accounts should be forwarded at an early date for the information of the Board and which has been insisted upon by frequent demands upon me. I therefore beg leave to bring the following circumstances for the consideration of the Board.

10. Save and except the 5 items alluded to in para 2 and 3 of this address which the Government reserved, all other items including Village officers was granted to me and as shown in paras 4, 5 and 6 has received the countenance and support of both Revenue and judicial authorities moreover if it was the intention of the high contracting powers in granting the cowlo to reserve authority over the Village servants according to Regulation 6 of 1831 & which (the conditions of the cowlo) by their own admission had been under deliberation for many years, they would no doubt have made

provisions for it in the document: but because such was not their intention is clearly proved by the fact of their silence on this point alone, while it clearly alludes to the manner in which the nomination and removal of Curnums should be established and therefore there is no ground *now* to suppose that such omission arose from either forgetfulness or want of foresight; on the contrary it goes to prove that the matter had been well considered, and with free will and consent, conceded to me all that authority which I possessed in the Mahomedan Government and thus granted me the full exercise of power therein. Again altho' the provisions of Section 3 Regulation 25 of 1802 are not applicable to my Zemindary—yet it clearly states that the Cowles granted to Zemindars, be they what they may—are to be held in their strict integrity and I cannot but fail to understand that when the cowlo is *silent* on the point of village servants and I have been exercising authority for upwards of *half a century* and have been upheld in it by yourselves that even the provisions of Regulation 6 of 1831 or any other Regulation

could have for its object the contravention of rights or the wresting of privileges and immunities from Zemindars guaranteed to them by cawles which we have been made to understand, as it bears upon its face, the character of *permanency*— I leave its consideration to the impartial and enlightened sense of the Board.

11. Apart from this, it will occur to your Board that the cawle itself is the very instrument which would prevent my relinquishing the authority over my Village servants and complying with your Orders. The provisions of Regulation 6 have reference to those Zemindaries whose Peshcush has been based on the Permanent settlement under Regulation 25 of 1802 and to the interests of Government, but not to those Zemindaries whose Peshcush has been fixed by a commutation of Military service as explained in para 2, and which are to this day so stated in the receipts of Government.

12. But where the permanent land tax has been fixed exclusive of Bhutwatty and service Enams and assessed lands under regulation 25 of 1802 which Section 1 and 2 as well as in Sec.

### LIII

8. of Regulation 6 of 1831 refer generally to Zemindars so situated, the provisions of those Regulations may well apply to them—not to those whose Peshcush has been fixed on a commutation of Military service. It is for the Board to determine whether my Zemindary comes under the provisions of those Regulations or not.

13. In Regulation 6, the alienation of service Enams is prohibited, so also in Regulation 4 of the same year; it is extended to Buntwarty Enams. The Sudder Adawlut on the 2nd January 1848 directed that the provisions of the late Regulation should operate in all Zemindars and when the Judge of Nellore proceeded to carry out the order in the Venontaghery Zemindary which is situated like my own the higher Court on a consideration of the provisions of the cowle ruled on the 5th August 1851 that their orders of the 24th January and Regulation 4 of 1831, and Act 31 of 1836 were not applicable to the Western Zemindaries. This even was confirmed by the orders of Government 15th August 1851 and by your Board on the 21st August 1851. They are before you. Again in Regulation

4 and 6 / 1831 it is clearly stated that the several allowances granted should be applied to the purpose for which they were granted. It will perhaps occur to your Board that where the provisions of Regulation 4 was ruled by Judicial and Revenue authorities and sanctioned by Government as not applicable to my Zemindary, that of Regulation 6 based on the same principles would also be inapplicable. The kind of Zemindaries not being stated in the views of the Court in 1837 referred to so confidently in the recent orders of Government, I must fail to understand that particular justice which refers me to a Judicial tribunal only in the case of Village servants, who are subject to my authority for a very long period and even maintained in it by previous administrations, are the wishes of the present Government parallel with it. I leave it to the Board, nay to the Government, to say whether my Zemindary, my circumstances and the internal economy of my Estate should be subject to the varied and conflicting views of successive administrations - where then is good faith. The British Government which then ruled, rules now,

and looking to its present demonstrations in Europe we are strengthened in the belief that it is an acknowledged guardian of its own integrity no less that of its dependants.

14. The "term permanently fixed" is employed in Section 8 of 6/31 and Reg: 25/1802. It may be supposed that because of the use of this term the first Regulation is applicable to my Zemindary and the latter not, it will be apparent to you that the very authority which granted the permanent cowle enacted Regulation 25 of 1802, and tho' the term "permanently fixed" is used throughout, it has been ruled by your Board on 8th July 1816 and 4th December 1820, and the opinion of the Sudr: Court dated 5th August confirmed by your Board on the 21st of the same month, that it is *inapplicable*. The very points which are therein argued form strong ground at the present time for the removal of the supposition and for maintaining the same views.

15. Since the enactment of Regulation 6/31 neither your Board nor the Collectors of this District ever intimated to me, never once raised the present question and very justly so,

as it was not applicable to my Zemindary, and on the representations of some village servants who were in 1839 inimical to me, your Board and the Government rejected them as being out of their province to interfere, nor did they then even raise this question, but for the last 20 years countenanced and supported the exercise of the power by me.

16. Again in the 6th clause of the cowlie the high contracting powers, on a fair consideration, included all the Lakiraj and Malgoozary and all other items of Revenue in the Poshoush, granted me full power over dismissals and appointments, and held me responsible for the full amount of the Poshoush, but never set apart any items either in money or land for the support of the village servants. Therefore if an account of these obligations which have been given for the transaction of my private affairs from my private purse are to be submitted to the Government, and the entertainment and suspension of these servants be reported to it, it will be diametrically opposed to the responsibility invested in me for the realization of the Poshoush

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of the Zemindary, as regulated in para 6 of the cowle and to the assurance in paras 3 and 9 that my Peshcush shall not be increased as it will by this arrangement form an addition to it—and therefore a loss to me and which was not contemplated at the time of the execution of the Cowle, and I feel persuaded that it is not the intention of the Board that I should be subjected to loss.

17. Moreover for the purposes of cultivation, collection of revenues regularly, protection of tanks, watering crops—postal arrangements, care of grain, in cutting and threshing, certain men are paid out of my *private income* and distinguished by the names Pedda Capoos, Toties and Taliaues & ; these are chosen from men whose characters and conduct are good and who will abide *under my orders* and are distributed over 3 or 4 Villages in some cases and others in one Village according to circumstances and for which I am the responsible person. Thus the want or otherwise of these arrangements is conducted in ratio to the profits or otherwise on the results of the out-turn, but if this manage-

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ment is wrested and transferred from my hands into that of the Government, how will these Village servants deport themselves towards me, and how can I regulate the proportion of such charges when dismissal or entertainment becomes contingent, and how will the loss consequent on the transfer of this management be indemnified to me? If this matter be impartially weighed and due consideration given, the grounds upon which this authority was left to me at the first; and the necessity for continuing it, will be apparent.

18. If all authority over these servants whose duties are revenueal be not left to Revenue Authorities, the business will not proceed satisfactorily; on these grounds all complaints having reference thereto have been exempted from the Jurisdiction of the Civil Courts, and confided to the Collector in your case. In the same way if I relinquish my similar authority, my revenue affairs will not proceed, therefore it is urgently necessary that it should continue as heretofore.

19. When, as set forth in para: 2, the necessity of a sub-division, shall have arisen in

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my Zemindary *then only* my accounts should be submitted to the Collector—but when the Government are insisting upon the production of accounts of my private servants paid from my private funds—of what use then are the provisions of my cowle.

20. As set forth in this address, by the conditions of the permanent cowle which are *inviolable*—by the letter of the Special Commissioner relating thereto dated 23rd August 1802, by the recorded proceedings of your Board dated 8th July 1816—4th December 1820 and 21st August 1851—by the decisions of the Sudr Court dated 5th August 1851 and by the Minutes of Consultation 6th April 1839 and 15th August 1851—from the fact of my not having a permanent Sannud similar to those granted to other Zemindaries under Regulation 25 of 1802, but one under the conditions of which (some and except the 5 items which were reserved to the ruling power), all authority over other items being granted to me, and from the circumstances of Regulation 25 of 1802 being inapplicable to me as well as Regulation 4 of 1831 and Act 31

of 1836—the provisions therefore of Regulation 6 of 1831 enacted in all respects parallel with the preceding ones—are entirely inapplicable to the exigencies of my Zemindary: and the fact of your removing my authority from my servants—or my relinquishing it myself under the Circular orders of your Board issued in accordance with the provision of Regulation 6, in itself shewn to be inapplicable to me, and is borne out on the face of all the Proceedings I have quoted—will be utterly at variance with common justice to me.

If, when the permanent Cowle was granted to me according to Regulation, provision was ever made for the village servants or such amount deducted from my Peshcush and given under my control with instructions that they should be given to the servants and that accounts should be furnished of them, there would be reason to make a requisition but such was not the case; consequently they were nominated and paid by me from my private income and if the Government now resume that authority, it will not only be contrary to the expressed conditions of this cowle, an apparent increase

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over the Peshcush itself but a source of loss to me, no less a violation of their former orders. If the authority over my servants be removed, the duties enumerated in para 17 and my revenue affairs, from want of that salutary control over them, will be completely deranged, in the face of their ability to create it. To remove from me the power over my own servants is to sap the stability of my position and to disturb the very means by which the Government expect that the Peshcush should be realized. I therefore leave the Board to take into consideration these facts, the loss that will accrue, my weal and woe, and decide in the present case as they have hitherto done in the case of Motarpha and Lakeraj lands, and not refer me to Judicial Tribunals I will then only enjoy happiness in the sense of that security which the Government and yourselves have hitherto extended to me—if otherwise ruin and desolation will follow bad seasons, besides the door for internal disorder being opened from the want of control over my servants. I will be utterly unable to pay the Peshcush as I ought, so that to me the latter evil will be greater than the first.

## LXII

In conclusion I have to request that the Board will, in its high consideration, afford to me all that help which is necessary to protect me from danger and view with a sense of liberal justice the particular conditions of my permanent Cowle and declare the needless assumption of any authority over my village servants and the applicability of the provisions of Regulation 6/31 which will cause me trouble and loss, and the Circular orders of the Board which emanated from it, to be at variance with the intentions of the cowle ; rescind the orders which require the production of accounts so imperatively insisted on by the Collector, and strengthen the belief that the Government will hold inviolate in its own integrity the conditions of its own Grant and afford that protection, which we as dependants of the Government have a right to expect.

It is now about 1 month since I addressed your Board in Tolugoo but have not received any answer as yet and altho' I have given the Collector my reason for wishing the matter to be in abeyance pending the order of higher authority, yet that officer is issuing very strin-

## LXIII

gent orders for the submission of the accounts in question, contrary to the provisions of the permanent Cowle and I hasten to lay these matters for the early consideration and orders of your Board and to request meanwhile that the Collector be desired to suspend all proceedings on his part.

And I beg to remain  
Gentlemen

Your most Obedient Servant.

2nd June 1855.

---

No. 3

### DECREE OF THE PROVINCIAL COURT.

ORIGINAL SUIT No. 13 of 1818.

*Plaintiff*

*Defendant*

Mr THOMAS FRASER (vs )  
Collector of Nellore  
for Government,

WOOMADAY RAJAN  
RAJA VALUGUTTI  
BUNGAROO YASUM  
NAIDU BAHADUR  
ZAMINDAR OF VLN-  
KILLAGHERI.

(Signed) H LEORD, 2nd Judge.

„ I. O. TOD, 3rd Judge.

1st. Plaintiff on the part of Government claims  
the two Lackerajee Village named Poody and

## LXIV

Perannuthum the first yielding annually 290-2-3 and the other 140-3-10 may be recovered from the defendant and placed under his authority. He alleges that those Villages were originally granted as Inam to Engoova Ramaswamy by the adoptive father of the Defendant, that they were subsequently enjoyed by Ramaswamiah's two sons Parashothum, and Ramaswami from the latter of whom defendant sequestered them on the 22nd September 1813. That the accounts will show that those Villages were excluded when the Sist was fixed and that there are Sunnuds to prove that they are regularly exempted lands not included in the jamma of the Vonketaghery Zemindary and that the defendant has consequently no right to sequester them and Plaintiff therefore sues on the part of Government for restitution of the Villages of Poody and Parumanattum yielding collectively Rs: 4,315—11—3.

2nd. Defendant says the claim set up against him is contrary to Regulations, to permanent Cowle granted to his adoptive father by the Government, as well as to the Cabooliat granted by him in return. He urges that he is entitled to resume the villages because having been originally granted to Engoova Ramaswami for his subsistence

## LXV

so long as he officiated as Vakool at the court of the Nabob and the Government, they were resumed on the death of the Ramasuvami. The same office having been conferred on his son Porushothum, the villages were granted to him also and resumed at his death—Ramasuvami afterwards held them because he embezzled some money that was under his charge.

3rd. The Court in coming to a decision on the Plaintiff's claim are of opinion that the cause of action is not distinctly laid in as much as the nature of the deed by which the Village of Poody and Pereannuthum were granted by the adoptive Father of Defendant to the father of Enguva Soobarayadu has not been described by the Plaintiff nor has any Sannud been produced in Court, showing on what account the Villages were placed in his possession. The Plaintiff has produced two vouchers which are called copies of extracts from Mr Statton's account but in one of these the Villages are designated Enams and in the other they are appropriated for the support of a chuttrum. In the absence of the original Sannuds, the Court do not consider these documents sufficient to prove that the Villages sued for were granted under an invalid title or that they were illegally resumed by the Defendant. The

## LXVI

defendant has also filed Copies of various letters and proceedings as well as the Sunnud Mulkial Istomera which is more than sufficient to invalidate the claim set up by the plaintiff

4th It is evident from the documents before the Court, that the defendant cannot be considered in the light of the other Zemindars. His family has always been Munsubadars of the Empire, and at the time of Permanent Settlement of the land Revenue the Zemindary was charged with the payment of an established Peshcush of 21678 Pagodas to the British Government, whilst the Zemindar for the time being was bound by his tenure to maintain military establishment for the service of the State.

5th When the Government resolved on maintaining only regular troops in their service, the Zemindar was called upon to dismiss those he had in his employ and as he would in consequence have had at his disposal the amount which would otherwise been paid to his troops, he was compelled to pay an additional tribute to Government in lieu of their services ; see defendant's document No, 24.

6th The permanent tribute or sist was therefore fixed on the Zemindari of Vencatagherry without any reference to its assets and accord-

## LXVII

ingly the deed of permanent settlement granted to the Zamindar unlike the deeds granted to other Zamindars, makes no mention of the Government, having reserved to itself the right of resuming Lakerajee lands or of the Permanent assessment having been fixed exclusively of Revenue derivable from such lands.

7th. It appears from the documents filed by the defendant that the plaintiff once attempted to collect the Moturpha tax in the Defendants Zamin-dary and that upon a reference to the Board of Revenue in consequence of the Defendant having remonstrated the Board authorized the plaintiff to abandon all claim on the part of Government to the collection of that tax on the ground that in the permanent Cowle granted to the Zamindar the reservation of Moturpha (or professional taxes) has been specially omitted.

8th. In the opinion of the Provincial Court the reservation of Government of the right resuming Lakerajee lands having been also especially omitted in the permanent cowle granted to the defendant, the plaintiff has no right whatever to the two villages sued for and the Court accordingly disallow his claim, dismiss his suit and award that he shall pay all costs as follows.

## LXVIII

Costs of suit incurred by the defendant Rs  
97—0—0 The above sum to be made good by  
Plaintiff to the defendant.

|                              |          |
|------------------------------|----------|
| To defendant Plender's fees  | 481—0—0  |
| To Plaintiffs Plender's fees | 481—6—0  |
|                              | <hr/>    |
|                              | 962—12—0 |

The above sum made good by the Plaintiff  
Given under my hand and the Seal of the Court this  
25th day of November A D 1822 Delivered in  
Court this 25th day of November 1822.

---

To

The Chief Secretary to Government.

SIR,

I am directed by the Board of Revenue to trans-  
mit for the information of the Hon'ble the Governor  
in Council copy of a decision of the  
January 1823 Provincial Court in the Northern  
Division in a suit instituted by the Collector of Nel-  
lore with the sanction of the Board on behalf of  
Government for the recovery of two Villages lately  
assumed by the Zamindar of Venontagherry which  
originally formed a part of his Zamindary but were  
alienated on Enam tenure previous to the por-

## LXIX

manent settlement

2 The Provincial Court have decided against the claim on the part of Government and the Board are of opinion that an appeal to the Sudr Adawlut under the circumstances of the case is not advisable.

3. The permanent Peishcush of the Zemindary of Vencatagherry was fixed upon the same principles as upon Bomranze and Calastiy and for the same reasons which induced the

To Government 20th  
February 1823

Board to state upon a former occasion that they considered the Zemindar of Bomranze not to be entitled to remission on account of certain Villages having been taken from him by a decree of Court in as much as by the operation of that decree there was taken from him nothing on which his contribution to Government was fixed, they are now of opinion that the Zemindar of Vencatagherry is entitled to benefit by the resumption of any Village formerly alienated from his Zemindary without question on the part of Government; or being liable to assessment on the increase to his resources thereby acquired.

4. The costs incurred in the suit are directed to be paid by the Plaintiff and the Board recommend that sanction may be granted for their pay-

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ment on account of Government.

No 275

TO

THE PRESIDENT AND MEMBERS  
OF THE BOARD OF REVENUE,

GENTLEMEN,

I am directed to acknowledge the receipt of your Secretary's letter of the 24th ultimo, 176, and to state that the Honorable the Governor in Council sanctions payment by the Collector of Nellore of the costs in the suit in question amounting to Rs 1059—12—0

I have &c

From St. George

2nd May 1823

}

(Sgd) D. HILL

Secretary to Government.

No 4

Revenue Department, No 87.

To

The Chief Secretary to Government

SIR,

I am directed by the Board of Revenue to

## LXXI

request that you will submit for the consideration and orders of the Right Honorable the Governor-in

Council the accompanying letter \*  
\* 30th January 1839. from the Principal Collector of  
North Arcot, and the papers connected therewith,  
relative to a claim preferred in a Petition \*  
\* No 1046/33 to the Board by the Zemindar of  
Calastry to the village of Pedda Poloor  
and the profits therefrom since its assumption  
by Government by whom it is now held

2 This village appears to have been granted in 1783 by former Zemindar as an Enam to one Neelaconta Naick in lieu of another village called Sookanadagul. In 1802 it was resumed by the Zemindar and held by him without interruption until 1811 when a suit was preferred in the Zillah Court of Chittore for its recovery by one Doondoo Pundit claiming as the relation and Guardian of the heirs of Teroomul Row for whose benefit he asserted the grant was intended (though prepared in the name of Neelaconta Row). The Court decreed

|                                                                                    |                                                                                                                          |
|------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| <p>* In A in No 3050 from<br/>the Pl Collector of N. A.<br/>24th December 1821</p> | <p>in favor of Doondo *<br/>Pundit, on the ground that<br/>as the land was Lakherage<br/>the right to resume, if any</p> |
|------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|

existed, rested under Regulation XXXI of 1802,

## I,XXII

in the Government only not in the Zemindar reserving at the same time the right of the Government to sue if it chose.

3 As Doondoo Pandit possessed no claim to the village by inheritance and the family of Neelacanta Naik the grantees seemed to be extinct, Mr. Giacomo, the Collector of Chittoor, with reference to the above decision required him either to surrender the village or defend his claim in Court. Doondoo Pandit under the foregoing circumstances resigned it by Razoonamah in the year 1818 and the Collector took possession.

4. In the meanwhile Kistna Row and Streoni vasa Row descendants of the Torumal Row, before alluded to, had preferred a suit in the Zillah Court against Doondoo Pandit for a moiety of the village and obtained a Decree in their favor which on appeal was affirmed by the Central Provincial Court, and when on the ground of the cession by Doondoo-Pandit to Government the Collector demurred to put them in possession, the provincial Court overruled the objection observing that Doondoo-pundit's cession could not affect the half of the village then under litigation and since decreed to the plaintiffs who had a right to contest any claim brought by Government thereto under Regulation XXXI of

## LXXIII

1802 The half of the village was accordingly put in their possession, and the Collector, under instructions from the Board, sued them in the Court

\* July 30 1823 Enclosure  
A in No 19 from their  
Principal Collr No. 27  
December 1825.

for its recovery and gained a Decree \* in his favour under which the village has subsequently, up to the present time, been held by the Government.

5. The Zemindar now rests his claim on the ground that as his permanent Cowl was framed without any reference to its assets, and as it contains no reservation in respect to the right of resuming Lakherage land as in the case of the Northern and other Zemindaries, the right to resume Enams or Lakherage lands in the position of Pedda Pooloor, belonged of right to him and by no means to the Government, and he cites a Decree by the Provincial Court of the Northern Division in favor of the Zemindar of Venkateswaram in a suit brought by the Collector of Nellore for the recovery of a village under similar circumstances.

6 On referring to this Decree, the Board find that it is strictly in point and that in submitting it to Government, \* the Board advised that it

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\* To C. S. Secretary  
21st April 1823

should not be appealed  
from observing that the  
permanent Poshcush of the

Zemindary of Venkatagheri was fixed upon the  
same principle as upon Bomrauze and Calastiy and  
for the same reasons "which induced them (the  
"Board) to state upon a former occasion \* that they

\* To C. S. to Govt:  
dated 20th February 1823

considered the Zemindar  
of Bomrauze not to be  
entitled to remission on

"account of certain villages having been taken  
"from him by a Decree of Court in as much as by  
"the operation of that Decree these was taken from  
"him nothing on which his contribution to Govern-  
"ment was fixed, they are now of opinion that the  
"Zemindar of Venkatagheri is entitled to benefit  
"by the resumption of any village without question  
"on the part of Government or being liable to ass-  
"essment on the increase to his resources thereby  
"acquired The Government appear to have  
"assented to this reasoning as they authorized  
"payment of the costs of the suit, without remark "

7. On the other hand the Decrees of the  
Zillah Court of Chittoor and of the Provincial  
Court of the Centre Division are in favor of the  
right of Government to resume in preference to

## LXXV

that of the Zemindar. But it will be noticed that they contain no allusion to the dissimilarity in the terms of the Permanent Settlement of Calcutty and the other western Polliems assuming that the Peshcush was fixed as on the Zemindaries in the northern districts upon the assets and that Regulation XXXI of 1802 applies to the former as well as to the latter. By a reference to the Kabooliat of the Zemindary of Calcutty and the correspondence which passed at the time a Permanent Cowle was granted to him it will be seen at once that the Peshcush was not so fixed, and as already shewn the Regulation above mentioned was not considered to apply to the case of the Venkatagherry Zemindar.

8. Having thus stated the circumstances of the case for the information of Government it only remains for the Board to add their entire concurrence in Mr. Ogilvie's opinion, that the validity of the Zemindar's claim is such as could not be resisted in a Court of Law. It remains for the Government to decide whether it shall be voluntarily conceded or otherwise.

Revenue Board Office

FORT SAINT GEORGE

4th March 1839

P. B. SMOLLETT

*Secretary.*

## LXXVI

Extract from the Minutes of Consultation

dated 9th April 1839

The Honorable the Governor-in-Council having given his attentive consideration to the circumstances set forth in the foregoing letter and to the correspondence therein referred to, concurs in opinion with the Board of Revenue as to the propriety of giving to the Zemindar of Calastry possession of the village of Pedda Poolloor in the District of North Arcot and desires in consequence that the Principal Collector may be instructed to make over the property to the Zemindar.

[Signed] N. J. CHAMIER,

*Chief Secretary,*

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Extract from the Proceedings of the Board of

Revenue dated 15th April 1839

Ordered that transcript of the foregoing extract from the Minutes of Consultation, with Copy of the letter to the Chief Secretary to Government to which it relates be furnished to the Principal Collector in the Northern Division of Arcot for the information and guidance

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with reference to his letter of the 30th  
January last

[A true Extract]

[Signed] P. B. SMOLLETT

*Sec etar /*

---

### No 5

Copy of the North Arcot District Gazette dated  
3rd and 10th August 1861.

Proceedings of the Inam Commissioner dated  
Palamanir the 3rd September 1860

Read memorandum by Deputy Collector D. D.  
Darmaraya Madally dated 13th August 1860

Letter from Deputy Collector A. Rama-  
chandra Row dated 29th August 1860

1. The Commissioner issues the following\* in-  
structions for the guidance of the Deputy Collectors  
employed in the Inam Commission investigation of  
the North Arcot District

2. The district forms the Northern portion of  
the Arcot Subiah ceded by the Nabab of the Carnatic  
to the British Government in the year 1801. It  
also comprises the Palyns of Chittoor ceded at the  
same period, the extensions Western Palyns of

## LXXVIII

Kalast y and Kurvatnaggar transferred to British control by treaty with the Nabob in 1792, the small Taluq of Venkatagho y, the palayam of Kungondy ceded by Tippoo Sultan of Mysore at the conclusion of the war in 1792 and the Palayam of Pangannur obtained from the same territories in 1800, and recently transferred to this Collector from Cuddappa, the District originally consisted of the Taluqs north of the Palar but in 1821 — some Taluqs south of that river including the jaghire of Aini were added to it from the Southern division of Arcot. \*

3. The private estates will be first noticed  
The Zamindaries of Kalahastri and Kurvatnagar

Sd/- Adamt 5th August  
1851  
Government 15th 1851.

were like the Zamindari of  
Venkatagori in the Nellore  
District permanently set-  
tled in 1803 on the princi-

ple of commutation of the military service tenure attached to them. The Peshkush was not fixed upon the assets of the estate, but was a proportion of the cost of the Zamindar's military establishment, inclusive of Amurams and Kattubadis, diminished by the amount of Revenue derived from Salt, Sayer and Abkai which were reserved by Government. The Inams were not excluded by the terms of the settlement, and the Government have therefore no right

## LXXIX

of reversion in them. But all lands and Russums (or fees) appropriated to the support of the Police establishments were reserved by para 5 of the permanent Kaul. There are however no Palayaputs other General Police Service tenures coming under the above head, in either Zemindari. The Inams and other emoluments which continued to be attached to the Village Police officers in both the estates, were declared to fall under Regulation VI of 1831, but it seems unnecessary to take any record of them at present

4. Chittore Palliam were ten in number each comprising several villages. One of these Gudipati,

|                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Stratton 15th Nov 1802<br/>Board 16th Nov. 1815<br/>Do 29th April 1819<br/>Govt 30th October Do.<br/>Board 31d May 1827<br/>Govt 4th September 1827<br/>Board 18th July 1829<br/>Do 14th June 1830<br/>Govt. 30th July Do.<br/>Proclamation of Nov 1804</p> | <p>always remained in the hands of its proprietor. The others owing to arrears of Revenue, and the rebellious conduct of some of the Palayaguirs, were resumed under Government management in 1840 Four of them (Mogara, Pallu, Pakal,</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

and Yadugunta) were ultimately incorporated with the Government villages. The remaining five, Bangaru Palyam, Naragunti, Pulcherla, Cullu

## LXXX

and Sinha as well as Gadipati already referred to were conferred to the Palayagar on a permanent Poshkish of  $\frac{2}{5}$  of their assets. The grant of a permanent Ktul was contemplated, but does not appear to have been carried out. The Government declared the Palayags to be inalienable otherwise than with its consent, probably with a view to secure itself against all liability on account of a large debts in which the Palayags were involved. But as the estates were permanently settled, they will not fall under the inquiry of the commission.

5. Of the Inams in these Palayams, those held by the Rajahbandus or relatives &c, several descriptions of Inams held by different individuals for personal services to the Palayags were included in the assets, the former being valued at  $\frac{1}{3}$ , and the latter at  $\frac{1}{4}$  of the survey assessment. The rest of the Inams, including a large amount of Kattubadis, were reserved to Government by the terms of the settlement, and will be now settled under the Inam rules.

6. The Kangundi Palayam was, on its cession to the British Government, assessed by Col Rondo with a Poshkish equal to  $\frac{3}{5}$  of its rental. The question of their assessment and permanent settlement of the Estate formed the subject of a

## LXXXI

lengthened correspondence since that date it was however finally determined that no change should be made in the Peshkash, and the Palayam has been recently confirmed to the proprietors under a permanent Kaul.

7 The lands of this Palayam, inclusive of the Inams were surveyed and assessed by Captain Graham in Fusly 1205, but his assessment was condemned as exorbitant. Subsequently, when the estate was under attachment for arrears, between Fusly 1226 and 1233 the Inam lands were measured by the then Collector, Mr Cooke, but a full and complete Register of all Inams as they now stand and as compared with former accounts, with their origin and tenure, was recently prepared by the Assistant Collector Mr. Carmichael upon a local enquiry which answers every purpose.

8. Collector 18th August 1854.

According to this registration, the Inams are generally of the following classes: Devadayam, Brammadayam, and Dasavandam, which need no explanation, Mokassa & Rajabandu Inams enjoyed by the relation of Palayagar, Annam, held by his armed retainers, and Kattabadi Inams which are of a similar class comprising also the personal servants of the Palayagar. The question whether

## LXXXII

Government has a right to additional revenue from the enclosement of these Inams, and to what extent remains to be decided by the Government. Para 3 of the permanent Kaul like all other similar instruments excludes from the permanent settlement all Lukinaj or rent free lands, all alienated lands paying a small quit rent and all lands and *Rassumes*, (or fees) heretofore appropriated to the support of Police Establishments. But as there are no accounts of the assets upon which the *Peshkash* was originally fixed it is difficult to determine which of the classes of Inams come under the above reservation and it seems also questionable whether the Government seriously intended to act upon the above stipulation in the Kaul, though no ground appears to exist why any particular exemption should be made in the case of this Palayagar.

9 The *Palayam* of Punganur was managed under *Amani* from 1802 to 1815, one fifth of the proceeds being allowed to the Palayagar for maintenance. Its lands were surveyed and classified. In 1815 it was proposed to settle the estate permanently, and it was confirmed to the Palayagar on a permanent *Peshkash* fixed, at  $\frac{2}{5}$  of its assets, subject to the sanction of the Court of Directors,

## LXXXIII

which however not having been accorded it was continued on leases renewed from time to time on the same terms

Sanction, however, has now been given for the permanent settlement of the Palayam on the Peshkash originally cal-

Colli 22nd Nov 1813

Board 28th July 1814

Colli 17th Decr Do

Board 27th Sept 1815

Govt: 9th Novr: 1859

Do 30th May 1860

culated in 1815 and by

the terms of the proposed

Kaul, para 3 of which is

prepared in the usual

form of Sanad Istime'as,

all Inams are exempted

from the settlement The Inams consist of dawa-

dayam and Brammadayam lands of the usual kind

and villages and lands held by armed retainers under

the name of Amaram and Kattubadi respectively

The Kattubadis comprise the personal servants,

village peons, as well as the military retainers of

the Palayagar. All these descriptions of lands being

excluded from the settlement fall under the cogni-

sance of the Commission, and will be disposed of

under the rules The Amaram and Kattubadis will

be enfranchised under the rule XX but it has to be

decided to what extent the Grama Kattubadis are

those of the village peons should be retained on their

present footing for Village Revenue and Police dut-

## XXXIV

ies. There is another description of villages in this Palayam called Nivaka. Posh held by the relations and Civil officers of the Palayagar, who being included in his estates must be regarded as assignments from the Palayagars, own property 26

### No. 6

Extract from the Life of Major-General Sir Thomas Munro Bart K C B. By the Rev: G. B. Gloig (1830) Volume I page 432.

Letters from Col: Munro to Mr. Cumming dated the 11th March 1815.

“This cause which has been going on for six years, would have been settled by a Collector in half an hour. Indeed the plaintiff would not have ventured to bring his case before a Collector, for among the Military Zemindars, such as Warempolam, Oulastiy, Vercatagherry, &c, the names, relatives, and far less the more distant, have no claim to the inheritance. The Poligar usually gives to his brothers &c, an allowance for their support, according to his own pleasure, not to any right. The plaintiff,

## LXXXV

I have no doubt, has been instigated by some Vakeels to make the demand; for whatever happens, his fees are secure”

Extract from a letter from Thomas Munro to the Right Hon. George Canning dated 16th March 1821 published in the life of Major-General Sir Thomas Munro by the Rev. G. R. Gleig, Vol. III pp.406.

“The only other regulation which I have in view at present, is one for entailing the possessions of ancient Rajahs upon their heirs, and to secure them against sale for debt. Our sweeping Code of 1802 has made the domains of tributary Rajahs which have been in the same families for ages, which all Governments but ours have respected, and which no money-lender could touch, all liable to sale. There will be some difficulty in replacing these Rajahs in the situations in which we found them, but it must be done.”

In page 118 of “Selections from Minutes and other Official Writings of Major-General Sir Thomas Munro, Bart. K. O. B. by Sir A. J. Arbuthnot, 1856, the following extract of one of his minutes appears thus;—

## LXXXVI

“Our Code of Regulations has, in a great measure, broken down the entail by which the estates of different classes of Zemindari and of official servants were protected from division, and descended entire to a single heir, so much injury both to the public and individuals has been occasioned by the change, that I have long thought that we ought to revert to the ancient usage and confirm it by law. Our departure from it has already ruined many ancient families. It encouraged dissension among all those which still exist. The members of each family are continually instigated by needy adventurers to apply to the Court for a division of the Estate. Neither Zamindars themselves nor their relations ever know much of business and the result of such suits is generally whether successfully or not to have them overwhelmed with debt. \* \* \* By those means, while the family of the Zamindar falls into distress and disgrace, the character of the Government suffers, and more than one rebellion has been the consequence. \* \* \*

In the present state of our power it ought rather be our object to maintain them as entire

## LXXXVII

as possible.

+ \* \* \*

I am therefore of opinion that we ought by every expedient in our power to maintain the ancient Zamindari and official landed estates, unbroken.

\* \* \* \*

It is not intended the proposed entail to any class of landholders whose lands have not been usually held according to that rule. \* \*  
\* \* \* The acceptance of the entail should be voluntary."

---

No. 7

*The 16th February 1858.*

Present — The Judge of the High Court of Admiralty, the Chancellor of the Duchy of Cornwall, Sir E. Ryan, and the Judge of the Court of Probate. Evidence-(copies of documents). Amaram grants resumption and assessment of —

On appeal from Suddor Dowany Adawlut of Madras.

## LXXXVIII

Umidi Rajah Raja Venkatapuramal Rajoo  
Bahadoor.

Zamindar of Kayalonagar

*Versus*

Pemmasami Venkatai Naidoo and others.

With regard to the admissibility of evidence in the Native Courts in India, no strict rule can be proscribed as in the Courts in England.

A copy of a document coming out of a public office, and certified by the officer in charge of that Department to be a true copy, is admissible in evidence. An Amaram grant is resumable at the pleasure of the Zamindar. The grantees of such a grant, when resumed, if they remain in possession without payment of the assessment which they are lawfully bound to discharge, are liable to be sued for such arrears of assessment.

Considering that the decision in this case may affect a very considerable amount of property, besides that which is the proper subject of the suit, and seeing that the two tribunals in India have pronounced conflicting judgments,

## LXXXIX

we should, had we entertained any doubt whatever as to the advice which we should tender to Her Majesty, have been anxious to have had a reply, and to have taken time for consideration; but the case is, in our judgment, so clear that only one result can possibly be come to, and therefore we proceed at once to declare the opinion we have formed upon the questions before us.

This is an appeal from the Sudder Adawlut Court of Madras. The parties are the Zamindar of one of the four Western Zamindaries of Arcot, the Original Plaintiff, and now Appellant, and certain persons occupying lands within the Zamindari, Defendants and now the Respondents. The suit commenced in 1848 in the Zilla Court of Chittur.

The plaint stated that the Zamindari was originally granted by the Rajah of Arcot to the ancestors of the Plaintiff, but, on the occasion of the British Government, that grant was confirmed under certain conditions. It then sets forth that certain grants were made to the ancestors of the Respondents in the nature of "amaram" grants, that these grants

## XC

were resumed, and that in the year 1840-41 the plaintiff resumed those grants and required the Respondents to pay the full assessment on their lands; and it concludes by stating that the demand is for Rs 13,597, being the amount due on such assessment, including interest. Answer of the Respondents is to the following effect that their ancestors rendered great services to the ancestors of the Plaintiff, that in requital for their service, a grant was made to them of several districts, then a jungle, amongst which lands is the village in question; but they deny that they hold it on condition of rendering any service, or that they rendered any; and allege that they hold it under a "sunnud" from the Appellant's ancestors. \*

They do not deny that a Zodi was paid for the village, but allege that that Zodi, was fixed and permanent; and never was, or could lawfully be increased, they distinctly deny the power of the Zamindar to resume or alter the grant enjoyed by them. \* \* \*

The real question between the parties is under what tenure the Respondents hold the village? On the part of the Respondents they

## XCI

say it was an *enam* tenure. The Appellant contends that it was an *amaram* tenure. Before proceeding further, it may be expedient to consider the nature of these tenures and the incidents consequent thereon :

There has been much controversy, in argument at least, as to the meaning of these words, though we find no such doubt in either the Zilla or Sadler Adawlat Courts. We apprehend that the word *enam* originally meant a grant generally; that such grants were, of various descriptions:—as an *Altumgha Enam*, which meant a grant in perpetuity, not resumable by the Zamindar; that there were various other grants as set forth in the statements of Mr. Stratton as grants for religious or charitable purposes; and also to other descriptions of grants called *Amaram* and *Kattubady*; and that the latter grants were grants resumable probably in process of time when the word *enam* alone was used, it meant a grant in perpetuity, not resumable. But there is not the least reason to suppose that when the term *Amaram* was applied, it did not mean a grant resumable at the pleasure of the Zamindar. We think that this

## XCH

explanation will in very great measure at least be confirmed by the reference we shall presently make to the evidence in the case. For instance, the judgment of the Zilla Court, page 180 paragraph 6, the Judges state, that the Defendants contended that the grant was not a *serviceman*, evidently showing that the *man* was a word to be qualified according to its own conditions.

That an *Amanam* grant was resumable is assumed through out the judgment.

The title of the Appellant to the Zamindari is not a matter in dispute, but we will refer to the documents upon which that title is founded in order to ascertain the powers which he was authorized to exercise under that title. What were the powers of a Zamindar, of one of these Zamindari's, prior to the year 1803, it might be difficult to define with perfect accuracy, but we may presume, as we think we are fairly entitled to do and with no disadvantage to the Respondents, that they were at least commensurate with the powers stated to belong to a Zamindar in 1802. The most important documents on this subject are—first the letter of Mr. Stratton

### XCIII

the Collector of the Northern Division of Arcot, to the Board of Revenue which is dated July 14th 1801, and to be found at page 50. In the 14th paragraph of that letter, he states, that the Poligars, that is, the Zemindars, are at liberty to resume the Amaram enams without assigning any reasons whatever the word Amaram being used as an adjective.

The next document and a most important one it is, is dated 24th August 1802 and is produced by the Defendants, and it may be remarked by the way that it is verified as a true copy by Mr. Boudillon. it is marked No 146, and is to be found at page 177 it is a letter from Lord Clive then Governor of Madras, to the then Zamindar of this Zamindari. That document states that from 1792 the Zamindar was subjected exclusively to the British Government, that the established porshouse alone was paid and that the Zamindar was free from all other charge except the military establishments, it proceeds to relieve the Zamindar from all military service and to fix a payment instead, and this letter further states that a sunnud fixing the sum of star pagodas to be paid, is

## XOIV

- transmitted. At paragraph 7 of this letter Lord Clive refers to the revenue which will revert to the Zamindar from the Amaram pocus, or in other words he points out that the military service on which such Amarams were held being discontinued, the revenues would revert to the Zamindar. Paragraph 11 is to the same effect. At page 163 No. 133 will be found the document, the Sunnud mentioned in that letter. It sets forth the facts already stated, provides for a transfer by a sale or gift, commits the Police to the Zamindar, requires engagements with the ryots to be in writing, and confirms to the Zamindar in perpetuity the Zamindari. The next document is No. 49 page 52—letter from Mr. Stratton dated January 1807, and in that letter he expressly declares that Amaram grants were resummable. Now without going farther, the following facts appear to be established:—1st that the Appellant is the Zamindar of the Zaminluri, with the authority and under the obligation, already stated: 2ndly that the lands in question are within the Zamindari: 3rdly that the Respondents hold under a grant either in perpetuity or resummable: 4thly that

## XCV

Amaram grants are resumable at pleasure

\* \* \* \* \*

We have the admission of Respondents themselves that they hold under *amaram* grants, which, in the absence of all evidence to the contrary, are resumable grants, the grants or Sunnuds themselves are their own proper evidence to clear up any difficulty, and those they have not produced. We have no hesitation, therefore, in coming to the conclusion, that the respondents held under grants which were resumable at the pleasure of the Zamindar.

\* \* \* \* \*

The respondents, if left in possession at all, were in possession as the servants of the Zamindar, and on condition of collecting the revenue.

The short history of the case is this that the Respondents were grantees under resumable grants; that those grants were resumable; that they remained in possession without payment of that assessment which they were lawfully bound to discharge, and for such arrears of assessment this suit is brought. We are of opinion that the decree of the Zilla Court was well founded

## XCVI

in all respects, and, therefore, we must humbly  
advise His Majesty to reverse the decree of  
the Sudder Adawlat, and with costs. The  
decree of the Zilla Court, will be affirmed.

No. 8

Subramanyam Reddy and others  
*Versus.*

Zamindar of Kalahasti

\*            \*            \*            \*

Certain Manyam lands are entered in the  
estimate of loss, and the gross produce on these  
is claimed. The Zamindar on the other hand  
asserts that Manyams have resumed in conse-  
quence of the Plaintiffs having neglected the  
service they were bound to perform. This  
right of resuming Manyams is vested in the  
Western Zamindars and if it has in this instance  
been wrongfully exercised, redress for the  
wrong must be sought in the Civil Court.

|                                                                 |   |                                 |
|-----------------------------------------------------------------|---|---------------------------------|
| North Arcot Collector<br>Catcherry Chittoor<br>27th March 1858. | } | [Sd] O WITTINGHAM<br>Collector. |
|-----------------------------------------------------------------|---|---------------------------------|

# XCVII

No. 9

## J U D G M E N T.

In the District Court of North Arcot.

P R E S E N T.

C. G. PLUMER, Esq., *District Judge.*

Original Suit No. 336 of 1875.

*On the file of the District Munsiff's Court of Tripattly.*

Appeal Suit No. 74 of 1881.

*Plaintiff*

*Defendants.*

Sawoocar Krishna Dass  
Balamoocoon Dass of  
Madras.

1. Peddareddivari Muni-  
reddy (died) his son.
2. Krishnareddy (minor)  
his mother and guar-  
dian Rungammah re-  
siding in Kompoolapa-  
lam in Narayanavanam  
Taluk

x            x            x            x            x

This is a suit brought by the plaintiff to recover a sum of Rs. 342-14-2 being the balance of toorva and road cess with interest due by the defendant for Pashos

|         |         |     |         |
|---------|---------|-----|---------|
| 1875-76 | 1876-77 | and | 1877-78 |
| <hr/>   | <hr/>   |     | <hr/>   |
| 1285    | 86      |     | 87.     |

## XCVIII

x            x            x            x            x

The District Munsiff passed a decision directing the 2nd defendant to pay to the plaintiff the rent claimed for the third instalment of Pusly 1285, and the rent claimed for Pusly 1286 with proportionate costs, minus the rent of the two dried mango trees, and minus the rent of the Moniem Maniyam land included in the Pattali for that Pusly, Exhibit B, and disallowed the remaining part of the Plaintiff's claim.

### J U D G M E N T .

1. It was conceded at the hearing of this appeal that the only questions to be decided are whether the lands claimed by defendant as Maniyam land are lands which he is entitled to hold rent free, and whether as held by the District Munsiff, Regulation VI of 1831 applies so as to oust the jurisdiction of the Court from deciding Plaintiff's claim for rent on those laws.

2. The Defendant's claim is that his father was the Monogar of Casamitta Village, that that is an hereditary office within the meaning of Regulation VI of 1831, that he is entitled to succeed his father, that the laws referred to in the written statement of the Defendant as Moniem

## XCIX

lands are lands set apart to be held free of rent by the Moneyagar and Village Munsiff, that the Plaintiff's claim to recover rent on those lands is not cognizable by a Civil Court, that though his father was dismissed from the office of Moneyagar, that act was *ultra vires* as the power of appointment and dismissal of Moneyagars rests with the Collector and not with the Zemindar.

3. The Plaintiff traversed all the above pleas. The District Munsiff found all the above points in favor of the Defendant, and it is against that part of the judgment of the District Munsiff that the Plaintiff appeals.

4. In my opinion that the Defendant wholly failed to prove that the office of Moneyagar was an hereditary village office to which certain revenues were annexed by the State within the scope of Regulation VI of 1831.

5. In my opinion that Regulation has no application to the present suit.

6. There is not a particle of evidence adduced to show when this office of Moneyagar was first made in this Zemindary ; all that the evidence shows is that for one or two generations, the Defendant's family discharged the duties of

## C

Monoyagar and that in payment of his services, he enjoyed a certain piece of land rent free.

7. In the view that I take, the Zemindar has a perfect right to abolish the office of Monoyagar to-morrow all over his Zemindary if he thinks proper and to collect rent on the lands which those who discharge the duties of Monoyagar now hold rent free, he could appoint any one he chose on fixed salaries to collect the rents in his Village and could resume all the so-called Moniem Manioms.

8. I cannot find that the Zemindar is bound by Statute to keep up the office of Monoyagar.

9. By Section 11, Regulation 25 of 1803, Zemindars are compelled to support the regular and established number of Quinams.

10. The preamble of Regulation 20 of 1802 abolishes all other Village officers but that of Qurnam, and the Sunnud I. Milkint Istimmar granted to this Zemindar renders it incumbent on him to support the established number of Quinams.

11. But there is no Regulation and there is no provision in his Sunnud whereby the Zemindar is bound to keep up the appointment

## CI

of Moneyagar.

12 If the Government had considered this necessary, a Regulation would have been passed as in the case of Ournams and a similar provision have been inserted in the Sunnud.

13 It is true that Section, 4 Regulation 25 of 1802 recites that Government reserved to itself the exclusive right on the articles of revenue included according to the custom of the country under the several heads of :: \* \* Lakheraj lands and of all other lands paying only favourable quit rents and that the permanent assessment of the land tax should be made exclusively of the said articles.

14. But in the case of this Zemindary of Karvetinagar as of the Zemindaries of Venkata-giri, Kalastry and Sydapur, the Sunnud granted to those Zemindaries shows that Government did not avail itself to the full of the powers of reservation granted to it by the above Regulation as I showed in my judgment in A. S. Nos. 147 to 158 of 1872 which was upheld on Special Appeal by the High Court. Special exceptions were made in this respect in the case of the above four Zemindaries and as in that case I

## CII

showed that the Moturpha tax levied in this Zemindary was included in the assets of the Zemindary on which the permanent assessment was fixed, so likewise in the case of Lakheraj lands in this Zeminda y, the Sannud shows that Government did not reserve to itself the right to deal with those lands and that they were included in the assets on which the permanent assessment was fixed.

15. Para 5 of the Sannud runs thus "the permanent demand fixed by this sannud on your Zemindary is exclusive of the revenue derived from the manufacture and sale of salt and salt-petre exclusive of the sayar or duties of every description the entire administration of which the Government reserves to itself exclusive of the tax on the sale of spirituous liquors and intoxicating drugs exclusive of all kinds and rumsoms heretofore appropriated to the support of the Police Establishments." Not a word is said about Lakheraj lands which, as a matter of fact, were included in the assets on which the permanent assessment of this Zemindary was settled, so that in this Zemindary, certainly even if these so-called Maniem lands were Lakheraj

### CIII

lands at the time of the permanent assessment, (a point on which the Defendant adduces no evidence) still, as they were included in the assets on which the assessment was settled, the Zemindar has the right to resume them free of Government interference; See Solwyn's decisions S. W. No. 8 of 1816 I 138: see also the 23rd Rule for the adjudication and settlement of Inam lands in which it was decided by Government that such of the Inams situated in Zemindaries as were excluded from the assets on which the permanent assessment was fixed were to be included in the adjudication and settlement by the Inam Commissioner '*expresso unius est exclusio alterius*' Inams which were included in the aforesaid assets were not to be adjudicated on.

16. It is found by the District Munsiff that the right of appointing and dismissal of Moneygars in this Zemindary rests with the Collector.

17. As I have said, in my opinion, the Zemindar is not bound to have any such Officer in his Zemindary. A Moneyagar is merely the name for a person who collects the revenue. Now the Government has nothing to do with the

## CIV

collection of the revenue or more properly speaking the rents in Zemindaries. Why should Government interfere with the appointment of persons named by the Zemindar to collect his rents. As a matter of fact, the documentary evidence filed in this and A. S. No. 18 of 1881 which was heard with this case, shows clearly that the Zemindar himself has always appointed, dismissed, and suspended Moneygars and this power is impliedly assented to by the Collector in his letter marked "F" in A. S. No. 81 of 1881.

18. Regulation 4 of 1816 to which the District Munsiff refers does not appear to me to have any bearing on the present case. All that that Regulation (if it applies to Zemindaries at all) provides is, that the person who collects the revenue shall be ex-officio village Munsiff and so we find in his letter "F" the Collector, following the law, writes to the Zemindar that whenever he dismisses a Moneygar and appoints a successor he should inform the Collector, so that he may grant a Sannud as Village Munsiff to the successor so appointed.

19. Regulation 4 of 1816 does not make compulsory the appointment of a Moneygar; it

## CV

only provides that whoever shall collect the revenue shall be Village Munsiff, it provides that a renter residing in the village shall be village Munsiff—so that clearly does not contemplate the necessary existence of a separate officer for the collection of the revenue.

20. It certainly seems open to argument whether Regulation 4 of 1816 applies to Zemindaries; for, it seems to assume that in every village revenue will be collected, of course in all Government Villages revenue will be collected but so far as the Government was concerned, it had nothing to do with the collection by the Zemindars of their rents so long as the Zemindars paid their peishkush, they might or might not so far as it concerned the Government collect rent in their villages but whether the Regulation applies to Zemindaries or not, it certainly, in my opinion, does not confer any right of appointment of Moneygars or Collectors, nor, can I find any Regulation or Act, obsolete or in existence, which conferred or confers that power, and reason seems to suggest that as the Zemindar alone is interested in the collection of his rents to him alone should it be left to appoint persons to

## CVI

collect them. \*

21. In the present case I am of opinion that the 2nd defendant cannot of right claim the appointment of Moneygar nor can he claim to hold the lands referred to in his written statement as Mun'om Maviom lands rent free; that the lands have been enjoyed by his father and by him since they ceased to discharge the duties of Moneygar and that the 2nd defendant is bound to pay the rent claimed for those lands for the 3rd instalment of Pusly 1285 and for Pusly 1286 and I adjudge that the 2nd Defendant do pay to Plaintiff the said rent as above-said and that he do pay Plaintiff the proportionate costs in the Lower Court on the amount of rent now allowed and he do pay the costs of this appeal.

Pronounced in open Court this 13th September 1881.

(Signed.) O G PLUMMER,

*District Judge.*

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## CVII

### IN THE HIGH COURT OF JUDICATURE AT MADRAS.

*Wednesday, the fifth day of April,  
One thousand eight hundred and eighty-two.*

PRESENT :—

THE HONOURABLE SIR CHALES A TURNER, KNIGHT, C. I. D., *Chief Justice.*

THE HONOURABLE MR. JUSTICE MUTTUSAMI AIYAR, C I E

SECOND APPEAL No 974 of 1881.

|                       |                                 |
|-----------------------|---------------------------------|
| Krishna Reddi, minor, | } <i>Appellant (Defendant.)</i> |
| by his mother         |                                 |
| and guardian Run-     |                                 |
| gamma. .. ..          |                                 |

Sowcar Krishna Dass Balamukun Dass .. ..  
*Respondent (Plaintiff)*

Second Appeal against the decree of the District Court of North Arcot in Appeal Suit No. 740 of 1881, presented against the Decree of the Court of the District Munsif of Tirupati in Original Suit No. 336 of 1879.

### J U D G M E N T .

With the exception that the Judge has doubted whether Regulation IV of 1816 will,

## CVIII

under any circumstances, apply to Zemindary Estates, his Judgment appears to us sound, in reference to the facts found in this case. Although as the Judge has pointed out, a Zemindar is bound to appoint Karams, there is no Regulation which imposes on him the obligation to appoint Mongars. There is no proof that the lands now in question, were at any time assigned by Government for the support of the Mongar, and there is no proof that, at the time the permanent Sanad was issued, these lands, which are admittedly within the area of the Zemindary, were excluded. The Sanad in this case excludes lands appropriated to the support of the Police, but there is no mention of the exclusion of lands held by Mongars, and the office of the Village Magistrate was not constituted at the date when the Sanad was issued. This being so, the Zemindar was at liberty to refrain from appointing a Mongar and to resume any lands he had allowed the Mongar to hold as remuneration for his services.

The Respondent was, therefore, at liberty to resume and assess the lands, held rent free by the Appellant and his predecessor.

## CIX

We are, however, unable to share the Judge's doubt whether Regulation IV of 1816 is applicable to Zemindaries, though the decision of the point is not essential to the decision of this case. It appears to us, that, when an officer has been appointed by a Zemindar, on whom the functions of a Village Munsiff could devolve, he, in virtue of his office, acquires the powers and is subject to the liabilities conferred on Village Munsifs by the Regulation.

We dismiss the Appeal with costs.

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No. 10

SEAL OF THE  
NORTH ARCOT  
COLLECTOR.

Government understands with regret that as the present Law admits the sale of the Zamindaries for the arrears of Peshkush and for private debts, a few of the ancient and respectable Zamindaries have changed hands and the descendants of those Zamindaries have been

## CX

considerably reduced in circumstances and sunk in misery ; that this law and practice are against Hindu Law and the custom of ancient families for generations. Soon after the death of Zamindars misunderstandings arise, and they lead to suits into Courts and thus loss of property is caused. With a view to preserve and continue the status and respectability which a few ancient Zamindar families have been enjoying from time immemorial, Government hopes that steps be adopted to prevent the *Zamindaries going into Courts by making them follow the custom of these families whether ancestral or private.* Government wish to enact regular laws to enable old Samastanams to continue with their descendants for ever and to prevent Zamindaries being sold for debts. But as according to the existing law Zamindars are at liberty to sell or give away or mortgage their Zamindaries at will, the Government can dispose of the Zamindari for arrears of Peishkush and the Court might order their sales for Zamindar's private debts. Those of the Zamindars who desire that their Zamindaries should continue for ever with their descendants might re-

## CXI

sign their right for selling or giving away or mortgaging their Zamindaries. Government would pass a Regulation that the Zamindaries shall continue with their powers, if Zamindars' descendants would not go against the Government orders. If they act against the orders of Govt; it shall give room for the confiscation of lands and it shall be at the mercy of the Government to release the lands and give to the Zamindar or his descendants or to give allowance to such persons.

It is the earnest desire of the Government that they should assist the Zemindars, support them from falling into ruinous litigation, to enable them to continue for ever in possession of their Zamindaries by preventing them from becoming subject of suits in the Courts, to give them the Police authority and to maintain their dignity in all the possible ways, if you consider over all what is written here and let us know that you would resign your right of selling or giving away, or mortgaging the Zemindari, created by the Istimiar or Sunnud.

If you agree to these terms and to Government passing a Regulation you should enter

## CXII

into a covenant with your creditors, if you have any, that they should receive the sum due by instalments and if there are any decrees against you, from the creditors you should take a Kararnama that they would not proceed to sell the Zamindari.

We desire to know when your forefathers got their estate and what is the custom in your family, whether the eldest sons installed and look after the family or whether the Zemin-dari used to be divided, and if there has been any division, why such division took place and under whose orders.

6th December 1821 }  
Huzur Zillah Chittore. }

ఉత్తర ఆర్కాడు  
జిల్లా కలెక్టర్ వారి  
మొహరు పున్నది.

జమీన్దారుల స్థితిగతులను అవలోకించి గవర్నమెంటు.  
వారు భిన్నులై తెలియచేసుకోవడమేమనగా, ఇప్పుడు అను  
ల్లోనుండు శాసనముచొప్పున సర్కారు పేక్షకము కాకీరూక  
లకుగానున్న, ఋణశల్యములకుగానున్న, సమష్టాసములు వి

## CXIII

క్రయంచేయుటకు ప్రమేయమేర్పడియకుండడమువల్ల గౌరవా  
హామయిన కొన్ని ప్రాచీన జమీన్దారులయొక్క భూస్థితు  
లు వారియొక్కస్వాధీనంలోనుంచి తప్పిపోయి తద్వారా వాం  
క్షయొక్క కుటుంబములు నశించిపోయినవి. సదరు చట్టము  
న్ను తల్లి జనితమయిన అధికారమునుబట్టి జమీన్దారులు విక్ర  
యించే రివాజున్ను, హిందూ ధర్మశాస్త్రమునకున్న పరంపర  
గా కొన్ని ప్రాచీన సమస్థానములలో ఆచరింపబడు ఆచార  
మునకున్న, ప్రత్యక్ష విరుద్ధముగవున్నదని గవర్నమెంటువారు  
తెలుసుకొనియున్నారు. జమీందారులు చనిపోయిన పిమ్మట  
కలహములు సంభవించి యేతత్ పరిష్కారార్థము వారలు కో  
టుకాపేటలెక్కుటచే వారియొక్క అస్త్రీ నాస్త్రీయగుచుండుట  
స్వభవమయినదని. కాబట్టి, కొందరు పురాతన సమస్థా  
నాధిపతులు వహించియుండిన గొప్పతనము, పరుగు, ఐశ్వర్య  
ము, మున్నగు సంపత్తులు వారలు శాశ్వతముగ కలిగియుండగ  
లందులకయి, జమీన్దారులు కోటుకాపేటలెక్కుటను తప్పిం  
చి, పితురాజికాతము లేక స్వయాంజికాతమయిన సమస్థాన కు  
టుంబాచారములను వారలు అనుష్ఠించేటట్టుచేసి, తన్మూలముగ  
జమీన్దారుల గొప్పతనమునకు లోపమురాకుండుటకనుగు  
ణ్యమయిన సదుపాయములను గవర్నమెంటువారు చేయవల  
ెదరు. అదెట్లనగా, ప్రాచీన జమీన్దారులు జమీన్దారుల కు  
టుంబాధీనములోనే సార్వదా భుంచేటందుకుగానున్న, మరి

## CXIV

న్ని అట్టి జమీన్దారులు అప్పులకుగాను విక్రయం కాబడకుండ వుండ  
గలందులకై యున్న తగినతా సనమొకటి చేయవలయుననుట  
యే గవర్నమెంటువారి కోరిక. ఐతే, యిప్పుడు అమల్లోనుం  
డే చట్టముమేరకు భూస్థితులను తామే విక్రయించుటకున్ను,  
తాకట్టువుంచుటకున్ను, బహుమానముగ యిచ్చివేయుటకున్ను,  
జమీన్దారులకు అధికారముకలిగివున్నది. ఇదిగాక పేషెంట్లకు  
భాషిగాను సర్కారువారేమి, సొంత అస్వసవ్వలకుగాను కో  
ర్టువారేమి, విక్రయంచేయవచ్చుననికూడ యేర్పడియున్నది.  
గనుక జమీన్దారులలో యెవరయితే తమయొక్క జమీన్  
సంబంధమయిన భూస్థితులు తమయొక్క కుటుంబములలో  
సార్వదా వుండవలెనని కోరుచున్నారో అట్టివారలు తమయొ  
క్క భూస్థితులను యితరులకు విక్రయించుటకు నేమి, తాకట్టు  
వుంచుటకు నేమి, యినాంగా యిచ్చివేయుటకు నేమి, ప్రకృత  
మున తమకుగల హక్కును త్యజించుకొనుటకు సమ్మతించినట్లు  
సర్కారువారికి రాజీనామావ్రాసియిచ్చి సర్కారువారేర్ప  
రుచబోవు చట్టదిట్టములను జమీన్దారుల సంతతివారు లో  
బడి నడుచుకొనేపక్షమునకు, జమీన్దారుల భూస్థితులు,  
వారి అధికారము, వారి గొప్పతనము, మున్నగునవి వారి  
కుటుంబాధీనములలో స్థిరంగావుండేలాగున చట్టమొకటి స  
ర్కారువారు చేయి పూనుకొందురు. అయితే, సర్కారువారికి  
విరోధముగా జరుగుకొనిన యెడల సదరు భూస్థితులు సర్కారు

దాఖలగుటకు ప్ర మేయమేర్పడును. అనంతరం సదరు ఖాస్థీ తు  
లను జమీన్ దారులకుగాని వారి సంతతివారికిగాని మరల యి  
ప్పించుట, లేదా, వారిదునవర్తి ఖచుకలకుయిచ్చి జరిపించుట,  
కున్నగువిషయములు సర్కారువారు బహుశః యా పూర్వ  
కముగ ఒనర్చవలసినవారయి యుండురు. జమీన్ దారులకు స  
హాయము చేయవలెననియు, వారలు అన్యాయంగా కోర్టుపేట  
లెక్కి తద్వారా సశించిపోవుటను ఆపి వారలను క పాడవలెన  
నియు, యేకస్థూలముగా వారియొక్క జమీన్లు సదా వారి అ  
ధీనములొనుండవలెననియు, వారలకు పోలీసు అధికార మొనగవ  
లెననియు, మరియు వారియొక్క వరుగు, గొప్పతనము మొదల  
గునవిచెడకుండ వుండగలందులకయి యే మే మి చేయవలెనో అన  
నియుచేయవలెననియు, గవర్నమెంటువారికి మిక్కిలి అభిలా  
షకలిగియున్నది. గనుక, సరరహితాంశములను మీరు దీక్షాక  
లాదన చేసి యిస్తిమిరార్ సన్నదువల్ల మీయొక్క జమీన్లు  
యితరులకు యిచ్చవేయటకు నేమి, తాకట్టువుంచుటకు నేమి,  
యిప్పుడు కలిగియుండు అధికారమును నిడివిపెట్టుటకు మీకు  
సమ్మతముండి ఆనంగతిని మీరు తెలియజేసేయెడల మీస్థితులు  
యెల్లప్పుడు మీయొక్క కుటుంబాధీనములో వుండుటకున్న  
మీ అనంతరం ఆది యితరుల అధీనము కాకుండుటకున్నది  
లుయేర్పడును. ఈవరత్తులకునేమి, గవర్నమెంటువారు చట్టమే  
ర్చరుచుటకు నేమి, మీరు ఒప్పుకొనెట్టయితే, మీరు యెవ

రికయినను ఋణపడియుంటే ఆమొత్తమును వారలు వా  
యిదాలమీద పుచ్చుకొనేటట్లు వారితో ఋరత్తుయేర్పరుచుకొ  
నవలయును; మరియు మీరుయివ్వవలసిన అప్పుటగాను మీ  
మీద కోటుకడిక్రీలు యేవయినను సాదర్ కాబడియుండిన  
చో, మీజమీకొలను వారలు విక్రయించేయకూడదని భారారు  
నామా ఒకటి వారివద్దనుండి వ్రాయించుకోవలెను. ఆదిలో  
మీపూర్వీకులు మీసంస్థానములను యెప్పుడు పొందిరో ఆ  
హంశమున్ను, మీకుటుంబములో జ్యేష్ఠుడు పట్టాభిషిక్తుడయి  
న తర్వాత కుటుంబసంరక్షణభారం ఆతనియందు వుండున్న  
దా లేదా అనే హంశమున్ను, జమీన్ ను విభాగించుకొనే  
రివాజుకద్దా లేదా అను సంగతిన్ని, విభాగించుకొనట రివా  
జయితే, అట్టివిభాగము యెందుకు, యెవరిఉత్తరువుమీద, జరి  
గెనో ఆహంశమున్ను, మేము తెలుసుకొన కోరుచున్నాము.

(౧౮౨౧ సం దిసంబరు తేది హుజూరు జిల్లా చిత్తూరు)

## CXVII

No 11

### EMPERORS OF DELHI.

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- 1 Akbar reigned from A D 1556 to 1605.
2. Jehangir, son and successor of Akbar, died 1627.
3. Shah Jehan, son and successor, died 1666.
- 4 Arungzebe, reigned from 1658 to 1707.
- 5 Bahadursha, died A D. 1713, Hijri 1124.
- 6 Jehandursha, died A. D. 1712, Hijri 1124.
7. Farrukh Siyar, died A D 1719, Hijri 1131.
- 8 & 9. Two Ruffians, died A. D 1710, Hijri 1131.
10. Mohamed Sha, died A. D. 1748, Hijri 1161.
11. Ahmed, died A D. 1754, Hijri 1167.
- 12 Alam II, died A D 1759, Hijri 1173.

